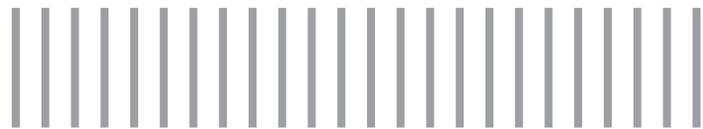


The Times-Picayune



## **LOUISIANA INCARCERATED**

**HOW WE BUILT THE WORLD'S PRISON CAPITAL**



### **The Times-Picayune**

LOUISIANA IS THE WORLD'S  
PRISON CAPITAL.

THE STATE IMPRISONS  
MORE OF ITS PEOPLE, PER  
HEAD, THAN ANY OF ITS  
U.S. COUNTERPARTS. FIRST  
AMONG AMERICANS MEANS  
FIRST IN THE WORLD.

LOUISIANA'S INCARCERATION  
RATE IS NEARLY FIVE TIMES  
IRAN'S, 13 TIMES CHINA'S  
AND 20 TIMES GERMANY'S.  
THE HIDDEN ENGINE BEHIND  
THE STATE'S WELL-OILED  
PRISON MACHINE IS  
GOLD, HARD CASH.





# SHERIFFS AND POLITICIANS HAVE FINANCIAL INCENTIVES TO KEEP PEOPLE LOCKED UP

MAY 13, 2012

**By Cindy Chang**  
Staff writer

Louisiana is the world's prison capital. The state imprisons more of its people, per head, than any of its U.S. counterparts. First among Americans means first in the world. Louisiana's incarceration rate is nearly five times Iran's, 13 times China's and 20 times Germany's.

The hidden engine behind the state's well-oiled prison machine is cold, hard cash. A majority of Louisiana inmates are housed in for-profit facilities, which must be supplied with a constant influx of human beings or a \$182 million industry will go bankrupt.

Several homegrown private prison companies command a slice of the market. But in a uniquely Louisiana twist, most prison entrepreneurs are rural sheriffs, who hold tremendous sway in remote parishes like Madison, Avoyelles, East Carroll and Concordia. A good portion of Louisiana law enforcement is financed with dollars legally skimmed off the top of prison operations.

If the inmate count dips, sheriffs bleed money. Their constituents lose jobs. The prison lobby ensures this does not happen by thwarting nearly every reform that could result in fewer people behind bars.

Meanwhile, inmates subsist in bare-bones conditions with few programs to give them a better shot at becoming productive citizens. Each inmate is worth \$24.39 a day in state money, and sheriffs trade them like horses, unloading a few extras on a colleague who has openings. A prison system that leased its convicts as plantation labor in the 1800s has come full circle and is again a nexus for profit.

In the past two decades, Louisiana's

prison population has doubled, costing taxpayers billions while New Orleans continues to lead the nation in homicides.

One in 86 adult Louisianians is doing time, nearly double the national average. Among black men from New Orleans, one in 14 is behind bars; one in seven is either in prison, on parole or on probation. Crime rates in Louisiana are relatively high, but that does not begin to explain the state's No. 1 ranking, year after year, in the percentage of residents it locks up.

In Louisiana, a two-time car burglar can get 24 years without parole. A trio of drug convictions can be enough to land you at the Louisiana State Penitentiary at Angola for the rest of your life.

Almost every state lets judges decide when to mete out the severest punishment and when a sympathetic defendant should have a chance at freedom down the road. In Louisiana, murderers automatically receive life without parole on the guilty votes of as few as 10 of 12 jurors.

The lobbying muscle of the sheriffs, buttressed by a tough-on-crime electorate, keeps these harsh sentencing schemes firmly in place.

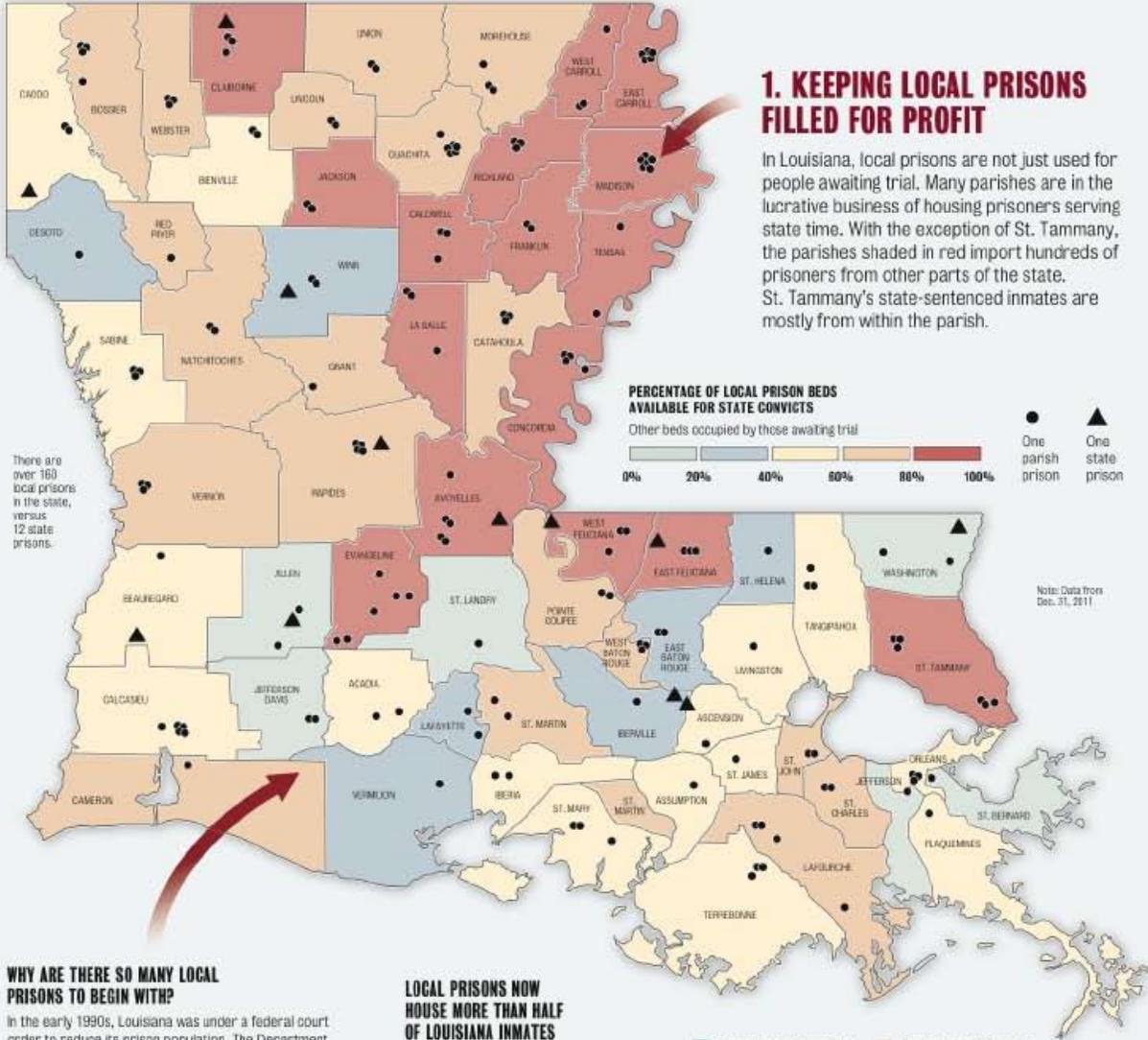
"Something has to be done — it just has to be done — about the long sentences," said Angola Warden Burl Cain. "Some people you can let out of here that won't hurt you and can be productive citizens, and we know the ones who can't."

Every dollar spent on prisons is a dollar not spent on schools, hospitals and highways. Other states are strategically reducing their prison populations — using tactics known in policy circles as "smart on crime." Compared with the national average, Louisiana has a much

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# HOW WE BECAME NO. 1

**FOUR REASONS** highlight why Louisiana locks up more people than anywhere in the world.



## WHY ARE THERE SO MANY LOCAL PRISONS TO BEGIN WITH?

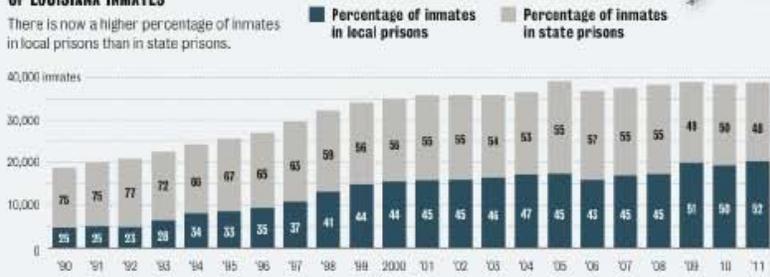
In the early 1990s, Louisiana was under a federal court order to reduce its prison population. The Department of Corrections encouraged local sheriffs and private companies to build new prisons by allowing them to skim a portion of the profits.

## WHAT DO SHERIFFS DO WITH THE MONEY?

Louisiana specializes in incarceration on the cheap. The state pays the sheriffs \$24.39 per day, per inmate, which means not a lot is left over after food, housing and personnel costs. The sheriff uses some of the profit to buy patrol cars, shotguns, bulletproof vests, etc. That leaves almost nothing for programs that benefit inmates and reduce their chances of another prison stay.

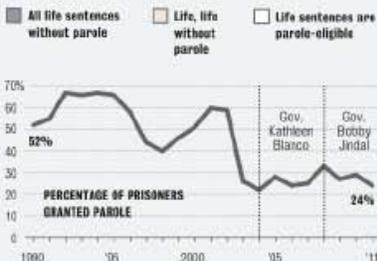
## LOCAL PRISONS NOW HOUSE MORE THAN HALF OF LOUISIANA INMATES

There is now a higher percentage of inmates in local prisons than in state prisons.



## 2. PAROLE IS HARD TO COME BY

Louisiana is one of six states where all life sentences are granted without parole, and those up for parole have had a harder time getting it under Govs. Blanco and Jindal.



## 3. LOCAL PRISON ECOSYSTEMS

Sheriffs trade inmates like horses, shipping a few to a pal up north who has empty beds.



## 4. HARSH SENTENCING LAWS

Louisiana is tougher on criminals than most other states, including Texas, which also has a high incarceration rate.

State/ incarceration ranking	First-degree murder	Car burglary	Worthless checks
Louisiana No. 1	Death, life without parole	Not more than 12 years and/or fine	6 months to 10 years, or fine
Texas No. 4	Death, life with or without parole, 5 to 99 years	No more than a year in jail and/or fine	Fine of no more than \$500
California No. 20	Death, life without parole, 25 years to life	Jail term of no more than a year	Jail term of no more than a year

### HOW EACH STATE SENTENCES HABITUAL OFFENDERS

Louisiana	California	Texas
For the 2nd and 3rd offenses, up to twice the maximum sentence. 3rd offense, life without parole if all are violent crimes, drug crimes, sex crimes with underage victim, or crimes with sentences of 12 years or more.	For the 2nd offense, sentence is doubled if first felony was violent or serious. 3rd offense, 25 years to life if previous two were violent or serious.	The next offense is bumped to a higher felony class.

Sources: Department of Corrections, staff research  
RYAN SMITH / THE TIMES-PICAYUNE

lower percentage of people incarcerated for violent offenses and a much higher percentage behind bars for drug offenses — perhaps a signal that some nonviolent criminals could be dealt with differently.

Do all of Louisiana's 40,000 inmates need to be incarcerated for the interests of punishment and public safety to be served? Gov. Bobby Jindal, a conservative Republican with presidential ambitions, says the answer is no. Despite locking up more people for longer periods than any other state, Louisiana has one of the highest rates of both violent and property crimes. Yet the state shows few signs of weaning itself off its prison dependence.

"You have people who are so invested in maintaining the present system — not just the sheriffs, but judges, prosecutors, other people who have links to it," said Burk Foster, a former professor at the University of Louisiana-Lafayette and an expert on Louisiana prisons. "They don't want to see the prison system get smaller or the number of people in custody reduced, even though the crime rate is down, because the good old boys are all linked together in the punishment network, which is good for them financially and politically."

### Keeping the beds full

In the early 1990s, when the incarceration rate was half what it is now, Louisiana was at a crossroads. Under a federal court order to reduce overcrowding, the state had two choices: Lock up fewer people or build more prisons.

It achieved the latter, not with new state prisons — there was no money for that — but by encouraging sheriffs to foot the construction bills in return for future profits. The financial incentives were so sweet, and the corrections jobs so sought after, that new prisons sprouted up all over rural Louisiana.

The national prison population was expanding at a rapid clip. Louisiana's grew even faster. There was no need to rein in the growth by keeping sentencing

## Louisiana Incarcerated

How we built the world's prison capital



Inmates wait to enter a dormitory at Richland Parish Detention Center in September. Prison overcrowding has become a thing of the past, even as the inmate population multiplies rapidly.

SHANE WILSON FOR THE OREGONIAN



Many of the inmates in the Louisiana State Penitentiary at Angola live there until they die, serving life without parole. A young girl will rack up more than \$1 million in taxpayer-funded expenses.

**ANGELA WARDEN** **BOB CAKE**

**"Something has to be done — it just has to be done — about the long sentences. Some people you can let out of here that won't hurt you and can be productive citizens, and we know the ones who can't."**

**FORMER STATE CONNECTIONS OFFICIAL** **RICHARD CRANE**

**"If the sheriffs hadn't built those extra spaces, we'd either have to go to the Legislature and say, 'Give us more money,' or we'd have to reduce the sentences, make it easier to get parole and commutation — and get rid of people who shouldn't be here."**

**ANGOLA LIFE** **JUSTIN ROUSSEL**

**"I feel like dudes get all this education ... under their belt and been here 20, 30 years. You don't think that's enough time to let a man back out and give him another chance at life?"**

## Incarceration rate doubles during past 2 decades

**PRISON** *By A.J.*

See an 11 of 12 pages.

The lobbying muscle of the sheriffs, buttressed by a tough-on-crime electorate, keeps these harsh sentencing schemes firmly in place.

"Something has to be done — it just has to be done — about the long sentences," said Angela Warden Earl Cain. "Some people you can let out of here that won't hurt you and can be productive citizens, and we know the ones who can't."

Every dollar spent on prisons is a dollar not spent on schools, hospitals and highways. Other states are strategically reducing their prison populations — using

tactics known in policy circles as "smart on crime." Compared with the national average, Louisiana has a much lower percentage of people incarcerated for violent offenses and a much higher percentage behind bars for drug offenses — perhaps a signal that some nonviolent criminals could be dealt with differently.

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Interview with Lt. Chief Hubert, a corrections officer at Richland Detention Center.

For a video overview of Louisiana as the capital of incarceration, visit [www.fox.com/prison](http://www.fox.com/prison).

Yet the state shows few signs of weaning itself off its prison dependence.

"You have people who are so invested in maintaining the present system — not just the sheriffs, but judges, prosecutors, other people who have links to it," said Burk Foster, a former professor at the University of Louisiana-Lafayette and an expert on Louisiana

prisons. "They don't want to see the prison system get smaller or the number of people in custody reduced, even though the crime rate is down, because the good old boys are all linked together in the punishment network, which is good for them financially and politically."

**Keeping the beds full**

In the early 1990s, when the incarceration rate was half what it is now, Louisiana was at a crossroads. Under a federal court order to reduce overcrowding, the state had two choices: Lock up fewer people or build more prisons.

It achieved the latter, not with new state prisons — there was no money for that — but by encouraging sheriffs

to foot the construction bills in return for future profits. The financial incentives were so sweet, and the corrections jobs so sought after, that new prisons sprouted up all over rural Louisiana.

The national prison population was expanding at a rapid clip. Louisiana's grew even faster. There was no need to rein in the growth by keeping sentencing laws in line with those of other states or by putting minor offenders in alternative programs. The new sheriffs' beds were ready and waiting. Overcrowding became a thing of the past, even as the inmate population multiplied rapidly.

"If the sheriffs hadn't built those extra spaces, we'd either have to go to the Legislature and say, 'Give us more money,' or we'd have to reduce the sentences, make it easier to get parole and commutation — and get rid of people who shouldn't be here," said Richard Crane, former general counsel for the Louisiana Department of Corrections.

Today, wardens make daily rounds of calls to other sheriffs' prisons in search of convicts to fill their beds. Urban areas such as New Orleans and Baton Rouge have an excess of sentenced criminals, while prisons in remote

See PRISON, A-8

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## LOUISIANA IS NO. 1 BOTH WAYS PRISONERS ARE COUNTED

### WORLD INCARCERATION RATES

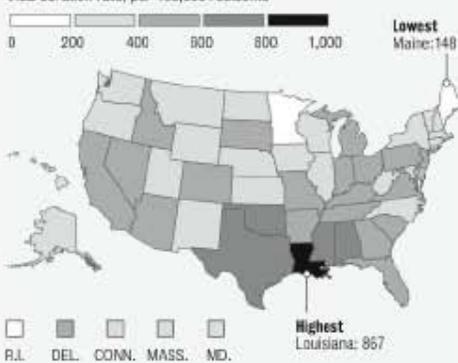
include inmates awaiting trial

Rank	Country	Incarceration Rate
	Louisiana	1,619
1	United States	750
4	Georgia	531
5	Russian Federation	519
16	El Salvador	391
27	Iran	333
34	South Africa	310
49	Brazil	251
64	Mexico	201
88	Saudi Arabia	160
92	United Kingdom	155
114	Australia	129
123	China	121
130	Canada	117
174	Sweden	70
191	Japan	55

### STATE INCARCERATION RATES

count only people who are serving time

Incarceration rate, per 100,000 residents



### U.S. INCARCERATION RATE RANKING, HIGHEST TO LOWEST

Rank	State	Incarceration Rate
1	Louisiana	867
2	Mississippi	686
3	Oklahoma	654
4	Alabama	648
5	Texas	648
6	Arizona	572
7	Florida	566
8	Arkansas	532
9	Missouri	508
10	South Carolina	495
11	Georgia	479
12	Idaho	474
13	Nevada	472
14	Virginia	468
15	Kentucky	458
16	Ohio	448
17	Michigan	445
18	Colorado	445
19	Delaware	443
20	California	439
21	Indiana	434
22	Tennessee	432
23	South Dakota	416
24	Pennsylvania	403
25	Maryland	387
26	Wyoming	385
27	Montana	378
28	Connecticut	376
29	Illinois	373
30	North Carolina	373
31	Wisconsin	366
32	West Virginia	363
33	Oregon	361
34	Alaska	340
35	New Mexico	323
36	Kansas	317
37	Iowa	309
38	Hawaii	302
39	New York	288
40	New Jersey	286
41	Washington	269
42	Vermont	265
43	Nebraska	247
44	Utah	238
45	North Dakota	226
46	New Hampshire	209
47	Massachusetts	200
48	Rhode Island	197
49	Minnesota	185
50	Maine	148

Sources: Bureau of Justice Statistics, International Centre for Prison Studies

THE TIMES-PICAYUNE



— CONTINUED —

parishes must import inmates to survive.

The more empty beds, the more an operation sinks into the red. With maximum occupancy and a thrifty touch with expenses, a sheriff can divert the profits to his law enforcement arm, outfitting his deputies with new squad cars, guns and laptops. Inmates spend months or years in 80-man dormitories with nothing to do and few educational opportunities before being released into society with \$10 and a bus ticket.

Fred Schoonover, deputy warden of the 522-bed Tensas Parish Detention Center in northeast Louisiana, says he does not view inmates as a “commodity.” But he acknowledges that the prison’s business model is built on head counts. Like other wardens in this part of the state, he wheels and deals to maintain his tally of human beings. His boss, Tensas Parish Sheriff Rickey Jones, relies on him to keep the numbers up.

“We struggle. I stay on the phone a lot, calling all over the state, trying to hustle a few,” Schoonover said.

Some sheriffs, and even a few small towns, lease their prison rights to private companies. LaSalle Corrections, based in Ruston, plays a role in housing one of seven Louisiana prisoners. LCS Corrections Services, another homegrown company, runs three Louisiana prisons and is a major donor to political campaigns, including those of urban sheriffs who supply rural prisons with inmates.

### Incarceration on the cheap

Ask anyone who has done time in Louisiana whether he or she would rather be in a state-run prison or a local sheriff-run prison. The answer is invariably state prison.

Inmates in local prisons are typically serving sentences of 10 years or less on nonviolent

charges such as drug possession, burglary or writing bad checks. State prisons are reserved for the worst of the worst.

Yet it is the murderers, rapists and other long-termers who learn trades like welding, auto mechanics, air-conditioning repair and plumbing. Angola’s Bible college offers the only chance for Louisiana inmates to earn an undergraduate degree.

Such opportunities are not available to the 52 percent serving their time in local prisons. In a cruel irony, those who could benefit most are unable to better themselves, while men who will die in prison proudly show off fistfuls of educational certificates.

Louisiana specializes in incarceration on the cheap, allocating by far the least money per inmate of any state. The \$24.39 per diem is several times lower than what Angola and other state-run prisons spend — even before the sheriff takes his share. All local wardens can offer is GED classes and perhaps an inmate-led support group such as Alcoholics Anonymous. Their facilities are cramped and airless compared with the spacious grounds of state prisons, where inmates walk along outdoor breezeways and stay busy with jobs or classes.

With a criminal record, finding work is tough. In five years, about half of the state’s ex-convicts end up behind bars again.

Gregory Barber has seen the contrast between state and local prisons firsthand. He began a four-year sentence for burglary at the state-run Phelps Correctional Center — a stroke of luck for someone with a relatively short sentence on a nonviolent charge who might easily have ended up in a sheriff’s custody.

With only six months to go, the New Orleans native was



— CONTINUED —

Prisoners wait at the intake center of Orleans Parish Prison. Those convicted of nonviolent charges are more likely to end up in local prisons. State facilities, which have more rehabilitation programs, are for the worst offenders.



transferred to Richwood Correctional Center, a LaSalle-run prison near Monroe. He had hoped to end his time in a work-release program to up his chances of getting a good job. But the 11th-hour transfer rendered him ineligible. At Phelps, he took a welding class. Now, he whiles away the hours lying in his bunk for lack of anything better to do. The only relief from the monotony is an occasional substance-abuse rehab meeting.

“In DOC camps, you’d go to the yard every day, go to work,” said Barber, 50, of state-run prisons. “Here, you just lay down, or go to meetings. It makes time pass a little slower.”

#### **Downward spiral**

While Louisiana tops the prison rankings, it consistently vies with Mississippi — the state with the second-highest incarceration rate — for the worst schools, the most poverty, the highest infant mortality. One in three Louisiana prisoners reads below a fifth-grade level. The vast majority did not complete high school. The easy fix of selling drugs or stealing is all too tempting when the alternative is a low-wage, dead-end job.

More money spent on locking up an ever-growing number of prisoners means less money for

the very institutions that could help young people stay out of trouble, giving rise to a vicious cycle. Louisiana spends about \$663 million a year to feed, house, secure and provide medical care to 40,000 inmates. Nearly a third of that money — \$182 million — goes to for-profit prisons, whether run by sheriffs or private companies.

“Clearly, the more that Louisiana invests in large-scale incarceration, the less money is available for everything from preschools to community policing that could help to reduce the prison population,” said Marc Mauer, executive director of The Sentencing Project, a national criminal justice reform group. “You almost institutionalize the high rate of incarceration, and it’s even harder to get out of that situation.”

Louisiana’s prison epidemic disproportionately affects neighborhoods already devastated by crime and poverty. In some parts of New Orleans, a stint behind bars is a rite of passage for young men.

About 5,000 black men from New Orleans are doing state prison time, compared with 400 white men from the city. Because police concentrate resources on high-crime areas, minor lawbreakers there are more likely to be stopped and frisked or caught

up in a drug sweep than, say, an Uptown college student with a sideline marijuana business.

With so many people lost to either prison or violence, fraying neighborhoods enter a downward spiral. As the incarceration rate climbs, more children grow up with fathers, brothers, grandfathers and uncles in prison, putting them at increased risk of repeating the cycle themselves.

#### **‘Don’t feel no pity’**

Angola is home to scores of old men who cannot get out of bed, let alone commit a crime. Someone who made a terrible mistake in his youth and has transformed himself after decades in prison has little to no chance at freedom.

Louisiana has a higher percentage of inmates serving life without parole than any other state. Its justice system is unstintingly tough on petty offenders as well as violent criminals. In more than four years in office, Jindal has only pardoned one inmate.

“Louisiana don’t feel no pity. I feel like everybody deserves a second chance,” said Preston Russell, a Lower 9th Ward native who received life without parole for a string of burglaries and a crack charge. “I feel like dudes get all this education ... under

CONTINUED

# Louisiana Incarcerated

How we built the world's prison capital

**SHERIFF OF RICHLAND PARISH** CHARLES McDONALD



"I hate to make money off the back of some unfortunate person. The fact is, somebody's going to keep them, and it might as well be Richland Parish."

**NATIONAL PRISON EXPERT** JAMES AUSTIN



"It makes it hard to do reforms that lower the prison population, because you're affecting the local economic engines that they provide."

**MANGHAM MAYOR** ROBERT NEAL HARWELL



"Every one here works at the prison. Everyone I know works at the prison."



A corrections officer keeps watch over inmates at Richland Parish Detention Center southeast of Monroe. Most of the inmates aren't local residents awaiting trial. They were sentenced to state time in other parishes and shipped to the prison, bringing with them the \$24.39 a day the state pays the sheriff to house them.

Inmates play basketball in the exercise yard at Richland. About one in three of the inmates has a job either inside or outside the prison. For the others, a turn in the exercise yard breaks the monotony of days spent lounging around, reading, watching television and sleeping.

## Rural prisons populated with urban inmates

**SHERIFF**, from A-1

wardens who could move in on his pipelines, which he has carefully tended through chummy relationships with colleagues in urban areas that have prisoners to spare.

But a roster tells the story: In the men's prison, 36 are from Jefferson Parish, 84 from Livingston Parish, 59 from the Shreveport area, a handful from New Orleans.

Some are local residents awaiting trial, but most have already been sentenced to state time, bringing with them the \$24.39 a day the state pays the Richland Parish sheriff to house them. Anything left over is profit for the sheriff. Other than a 1/2-cent sales tax, the prison is the sheriff's biggest revenue generator, underwriting the purchase

of new squad cars, shotguns and bulletproof vests.

"I hate to make money off the back of some unfortunate person," Sheriff Charles McDonald said. "The fact is, somebody's going to keep them, and it might as well be Richland Parish."

More than a decade since a prison-building boom swept the state, Louisiana's corrections system is a sprawling, for-profit enterprise. Private companies got in on the spoils, but the primary beneficiaries have been local sheriffs, who use the per-diem payments from the state to finance their departments and to pump jobs into moribund rural economies.

With little oversight from the Department of Corrections, sheriffs wheel and deal among themselves for inmates. Cupp and other rural north Louisiana



The GED class, held in the prison cafeteria, is akin to a one-room schoolhouse; teacher Phylis White gears her lessons to a wide range of levels. The average education level among the Richland inmates is seventh grade, with some as low as second grade.

wardens drum up business with daily rounds of phone calls to their suppliers — urban areas such as New Orleans, Baton Rouge and Shreveport that produce

more criminals than their own jails can hold. The mad scramble to build prisons has become a mad scramble for inmates.

Like hotels, prisons

operating on per-diem payments must stay near 100 percent occupancy to survive. The political pressure to keep beds full is a contributing factor to the state's world-leading incarceration rate. No other state comes close to Louisiana's 52 percent rate of state inmates in local prisons, and few lobbyists in Louisiana are as powerful as the sheriffs' association.

What is good for the sheriff can be bad, even tragic, for the inmate. Local prisons, which generally keep those with sentences of fewer than 10 years, are bare-bones operations without the array of educational and vocational programs that are standard at state prisons. Inmates caught up in the wardens' daily bartering can be transferred arbitrarily, sometimes losing chances at a GED certificate or a work-release

job when they land at another facility. Plumbers and auto mechanics are valuable commodities, given up by one warden as a favor to another.

"It makes it hard to do reforms that lower the prison population, because you're affecting the local economic engines that they provide," said James Austin, a national prison expert who has studied Orleans Parish Prison extensively. "It would be different if everyone were in state facilities. It's a lot easier for the state to close a state facility than for a state to close several small local facilities that really provide economic fuel at the local level."

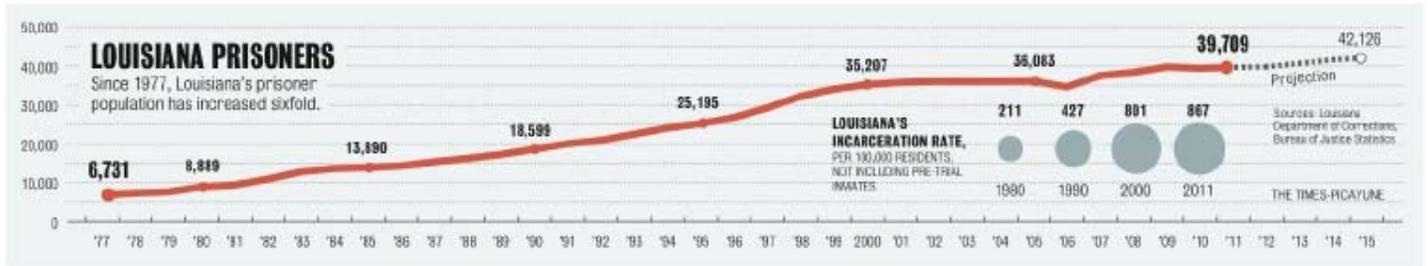
**'An economic driver'**

Richland Parish, where green vistas of corn and soybean fields stretch for

See **SHERIFF**, A-12



— CONTINUED —



their belt and been here 20, 30 years. You don't think that's enough time to let a man back out and give him another chance at life?"

An inmate at Angola costs the state an average of \$23,000 a year. A young lifer will rack up more than \$1 million in taxpayer-funded expenses if he reaches the Louisiana male life expectancy of 72.

Russell, 49, is in good health. But as he gets older, treating his age-related ailments will be expensive. The state spends about \$24 million a year caring for between 300 and 400 infirm inmates.

Now in his 13th year at Angola, Russell breaks into tears recounting how he rebelled against the grandmother who raised him, leaving home as soon as he could. First he smoked weed, weed became crack, then he was selling drugs and burglarizing stores in between jobs in construction or shipping.

The last time he stole, Orleans Parish prosecutors tagged him as a multiple offender and sought the maximum — the same sentence given to murderers. In the final crime that put him away for life, he broke into Fat Harry's and stole \$4,000 from the Uptown bar's video poker machines.

### Political will

Tough fiscal times have spurred many states to reduce their prison populations. In lock-'em-up Texas, new legislation is

Friday.

Measures like those in Texas, which target a subset of nonviolent offenders, are frequently lauded but may not be enough.

To make a significant dent in the prisoner numbers, sentences for violent crimes must be reduced and more money must be invested in inner-city communities, according to David Cole, a professor at Georgetown Law School. Such large-scale change — which has not been attempted in any state, let alone Louisiana — can only happen through political will.

In Louisiana, that will has been practically non-

existent. Locking up as many people as possible for as long as possible has enriched a few while making everyone else poorer. Public safety comes second to profits.

"You cannot build your way out of it. Very simply, you cannot build your way out of crime," said Secretary of Corrections Jimmy LeBlanc, who supports reducing the incarceration rate and putting more resources into inmate rehabilitation. "It just doesn't work that way. You can't afford it. Nobody can afford that."

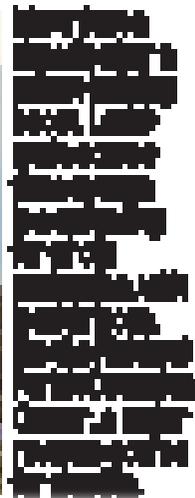


steering low-level criminals into drug treatment and other alternatives to prison.

In Louisiana, even baby steps have typically been met with resistance. Jindal, who rose to the governor's office with the backing of the sheriff's lobby, says too many people are behind bars but has not always thrown his political weight behind that message. This year, he supported two relatively modest measures that had failed the previous year, providing a small ray of hope for reformers when he signed one of them into law on



## SOME RURAL PARISHES' ECONOMIES HINGE ON KEEPING THEIR PRISONS FULL



**BY Cindy Chang**  
Staff writer

RAYVILLE

When Warden Alan Cupp arrives at the Richland Parish Detention Center a little before 8 a.m. on a Wednesday in late September, the inmates are already through with breakfast.

Those with jobs on the outside are being carted off in vans. Others are at work within the prison's cinder-block walls. The rest are beginning another day of idleness — watching soap operas, hanging out, reading, sleeping.

The men's side, along with a women's facility next door, is full to capacity, about 800 beds all told. Cupp's "honey holes," as he calls them, are flowing nicely. There is no need today to ring up wardens in other parishes, asking, sometimes begging, if they have a few extra to send over.

Cupp, a stocky 38-year-old with dark hair, a goatee and mischievous brown eyes, is reluctant to publicize his prime sources for inmates. There are scores of other Louisiana wardens who could move in on his pipelines, which he has carefully tended through chummy relationships with colleagues in urban areas that have prisoners to spare.

But a roster tells the story: In the men's prison, 36 are from Jefferson Parish, 84 from Livingston Parish, 59 from the Shreveport area, a handful from New Orleans.

Some are local residents awaiting trial, but most have already been sentenced to state time, bringing with them the \$24.39 a day the state pays the Richland Parish sheriff to house them. Anything left over is profit for the sheriff. Other than a 1/2-cent sales tax, the prison is the sheriff's biggest revenue generator, underwriting the purchase of new squad cars, shotguns and bulletproof vests.

"I hate to make money off the back of some unfortunate person," Sheriff Charles McDonald said. "The fact is, somebody's going to keep them, and it might as well be Richland Parish."

More than a decade since a prison-building boom swept the state, Louisiana's corrections system is a sprawling, for-profit enterprise. Private companies got in on the spoils, but the primary beneficiaries have been local sheriffs, who use the per-diem payments from the state to finance their departments and to pump jobs into moribund rural economies.

With little oversight from the

Department of Corrections, sheriffs wheel and deal among themselves for inmates. Cupp and other rural north Louisiana wardens drum up business with daily rounds of phone calls to their suppliers — urban areas such as New Orleans, Baton Rouge and Shreveport that produce more criminals than their own jails can hold. The mad scramble to build prisons has become a mad scramble for inmates.

Like hotels, prisons operating on per-diem payments must stay near 100 percent occupancy to survive. The political pressure to keep beds full is a contributing factor to the state's world-leading incarceration rate. No other state comes close to Louisiana's 52 percent rate of state inmates in local prisons, and few lobbies in Louisiana are as powerful as the sheriffs association.

What is good for the sheriff can be bad, even tragic, for the inmate. Local prisons, which generally keep those with sentences of fewer than 10 years, are bare-bones operations without the array of educational and vocational programs that are standard at state prisons. Inmates caught up in the wardens' daily bartering can be transferred arbitrarily, sometimes losing



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chances at a GED certificate or a work-release job when they land at another facility. Plumbers and auto mechanics are valuable commodities, given up by one warden as a favor to another.

“It makes it hard to do reforms that lower the prison population, because you’re affecting the local economic engines that they provide,” said James Austin, a national prison expert who has studied Orleans Parish Prison extensively. “It would be different if everyone were in state facilities. It’s a lot easier for the state to close a state facility than for a state to close several small local facilities that really provide economic fuel at the local level.”

#### **‘An economic driver’**

Richland Parish, where green vistas of corn and soybean fields stretch for miles without interruption, is a case study in the economic advantages and moral incongruities of a rural sheriff operating a for-profit incarceration enterprise.

Without the detention center, many locals would be working offshore in the oil industry, away from their families. Deputies would be patrolling the country roads without a full array of modern equipment.

The wholesome air of small towns like Mangham has undoubtedly been enriched by more fathers staying close to home. But a business where prisoners hide contraband in Bibles and fashion knives from toothbrushes, and where wardens trade human beings like horses, is hardly ideal conversation for a family dinner table.

It is a Faustian bargain, but one that residents generally agree has been good for a region where farmers went bankrupt en masse after a drop in cotton prices. The sheriff’s 160 jobs — 100 of them at the prison — are among the few that include a full package of benefits.

Lately, inmates have been hard to come by. The statewide

prison-building frenzy may have resulted in too many beds. Last year, the Richland Parish Detention Center lost more than \$500,000. But no employees were laid off, and the count has been healthy after a recent infusion of pretrial inmates from Livingston Parish.

In good years, the prison has generated as much as \$700,000 in profits.

“There’s no downside. They keep them contained out there,” said Mike Shoemaker, whose printing business in Rayville, the parish seat, has many prison employees as customers. Shoemaker’s wife draws several hundred dollars in retirement each month from her years as a guard at the prison.

State Rep. Charles “Bubba” Chaney, R-Rayville, said he supports reforms that give low-risk offenders a chance to succeed outside of prison, even if that means fewer inmates for the detention center. In the meantime, feeding and housing prisoners from other parts of the state is too good a business opportunity to pass up.

“You don’t want to earn a living off the misfortunes of people who are incarcerated, but somebody has to fill the void,” Chaney said. “Having them in local rural parishes is an economic driver in our community.”

#### **‘Like running a town’**

At a Mangham Junior High football game, Warden Cupp is in the announcer’s booth, calling the game. His son Bryan is an offensive tackle on the seventh-grade team. Chris Flemming, the pint-sized quarterback, is the son of Perry Flemming, the warden on the women’s side.

Mangham gets out to an early lead. “Nobody’s gonna catch him. First play from scrimmage, touchdown, Dragons!” Cupp crows into the microphone.

During a break in the action, Cupp goes down the Mangham roster and counts. Eight of the 40-some players have parents

who work at the prison.

“This is our lives right here, at work or at a ballpark,” says Cupp, who was appointed warden of the men’s prison a decade ago, when he was just 27.

In Mangham, everyone is either kin or neighbor or classmate or co-worker — sometimes all of the above. Monroe, with its mega-mall and chain restaurants, is a half-hour drive away, but Mangham remains its own world. For the past decade and a half, that world has been inextricably bound with the prison, known as “15” because of its location on an isolated stretch of Louisiana Highway 15.

More than any other town in Richland Parish, Mangham is the locus of the local prison industry. The key players — the sheriff, the wardens, the former sheriff who commissioned the prison — are from Mangham, as are many prison employees.

Sheriff McDonald, a tall man of 57 with a doughy nose and crinkly blue eyes, stands on the sidelines watching the game as his brother-in-law, Bob Archibald, tells stories about the illiterate farmers who once patronized the family store.

There are more people in the prison than in the town he grew up in, McDonald likes to inform visitors. “It’s like running a town,” he says. “It has its own store, its own doctor, water, sewage. It’s like running a little town out of it.”

Indeed, the 2010 census has Mangham’s population at 672, while the prison is 782 at full capacity.

At Mangham Town Hall, Mayor Robert Neal Harwell supplements his tiny staff with two prison trustees who perform maintenance work and are on call 24/7 in case of a water-main break or other emergency.

“Everyone here works at the prison. Everyone I know works at the prison,” said Harwell,

CONTINUED

citing a daughter-in-law and a cousin, among others.

#### **'A lot of jobs for farmers'**

In addition to being a part-time pharmacist at Mangham Drugs, Doug White is part-owner of the Richland Parish Detention Center.

The prison would never have been built without White and other investors. In return, they take 25 percent of the revenue each year.

"The sheriff couldn't pass a tax, but everyone wanted to lock them up and throw away the key," White said. "We did a service for the community and provided a lot of jobs for farmers who went broke, and for their wives. It was good for the parish and good for the state."

In the early 1990s, the state prison system was under a federal court order to reduce overcrowding. Richard Stalder, who headed the Department of Corrections at the time, saw the sheriffs as the solution. By increasing the per diem and guaranteeing that enough state inmates would come through their doors to keep profits up, he transformed them from adversaries into willing partners. A prison gold rush began.

In Richland, a poor parish even before it began reeling from a drop in cotton prices, there was no hope of a publicly funded prison. Deliverance came in the form of two separate teams of investors, including a local pastor; a local businessman named Billy McConnell, who now runs the state's biggest private prison company; and White, the pharmacist. White and McConnell leased a former bar in the middle of nowhere, completing the women's prison in 1997 at a cost of about \$3.5 million. The investors and their successors act as landlords, paying for major maintenance and collecting a cut of the revenue as rent.

McDonald, then the chief deputy under Sheriff Lorell Graham, had doubts about embarking on such a large and unfamiliar venture. But everyone else saw dollar signs. The prison started paying off almost immediately, with nearly \$400,000 in annual profits by 1999.

Now, more sheriff's employees work in corrections than patrol the rural highways. When McDonald started his career in the 1970s, the department owned three patrol cars and three shotguns. Income from the prison has allowed the Richland Parish Sheriff's Office to squirrel away a \$1.5 million surplus and purchase "more equipment than we know what to do with," in McDonald's words. Deputies no longer drive used cars with 200,000 miles on them.

"It was always a dream of Daddy's, to bring something to Richland Parish, to help the economy," said Mangham Police Chief Lennie Graham, the former sheriff's son.

Corrections officers start at \$8 an hour, but the jobs are in demand because of the benefits, which include a fully funded pension. There is always a stack of applications on the couch in McDonald's office. With the sheriff's blessing, many take on second jobs. Even Cupp, who makes about \$50,000 a year as warden, ducks out each afternoon to drive a school bus.

"There's no telling what I'd be doing," said Capt. Frank Dear, 45, who runs the work-release program for the men's prison and used to work offshore. "I would not be at home. The jobs are not here. I couldn't work for \$7.25 an hour and support my family."

Charlie Smart, the prison's maintenance manager, farmed 900 acres of cotton until the late 1990s, when prices plummeted. Soon after filing for bankruptcy, he began working as a corrections officer. His daughter used to work at the prison, too. Smart, 55, said he misses farming, but he also has nightmares about it. He is grateful for the steady paycheck and the pension.

"The only thing I have dreams about is that I got the crops just planted, when everybody else had already plowed," he said.

#### **'Not for the weak at heart'**

The prisoners from G dorm file into the hallway in orange jumpsuits and sneakers, hands clasped behind their backs like

well-behaved schoolchildren. It is 11 a.m., and they are on their way to lunch, or "second chow."

Lt. Dee Hutson, a small man with a jockey's wizened face, calls out orders: "Close your jumper." "Take the long sleeves off." "Fix your collar."

The men, mostly young and African-American, silently comply. "Sarge, when can I make a phone call?" one asks.

The Salisbury steak and baked potato is palatable enough, though the portion looks meager against the large tray. It costs \$1.43 a day to feed a female prisoner, \$1.78 a day for a male, with a diet heavy on cheap staples like beans, rice and cornbread.

While the inmates are eating, Hutson and Cupp walk through the empty dormitory — opening lockers, examining items that look suspicious and yanking down towels put up in front of beds to obstruct the guards' view.

Eighty men share four toilets, three urinals and two sinks, sleeping double-bunked on thin plastic mattresses and watched over by guards in a glass booth.

A prison runs like clockwork, until it doesn't. On the women's side, Lt. Jessie Graham has a can of pepper spray clipped to her belt. She uses it once or twice a month. Everyone remembers the time an inmate showed up at the nurse's station holding his own ear in his hand after a fight with another inmate.

The other day, a work-release inmate was caught trying to smuggle contraband tobacco in a beverage cooler. Guards recently confiscated a makeshift tattoo machine made of a ballpoint pen, rubber bands and a motor from a cassette player. Richland inmates are drug dealers and thieves, not murderers, but they are still criminals.

"They've got nothing to do but sit around and watch you — everything you do, everything you say, every move you make — to see what your strengths and weaknesses are and use them against you," Cupp said of the



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A prisoner requests a special meal at Richland Parish Detention Center southeast of Monroe. Each prisoner brings in \$24.39 a day in state money to the local sheriff.



inmates in his charge. “They’ll play sympathy, get on your good side and try to get you to do things you’re not supposed to do. This is not for the weak at heart.”

The Department of Corrections would not allow inmates to be interviewed. However, a few former Richland inmates, in Mangham on a lunch break from their landscaping jobs, spoke negatively of their experiences.

“They bird-feed you,” said Jeremiah Kelly, 36, of Rayville, complaining of the small rations. Kelly spent three-and-a-half years at the detention center on a drug charge. As a trustee, he left the grounds every day to cut grass and perform other odd jobs, but many other inmates stayed in the prison all day, he said. He described “tear gas, Mace, fighting and rioting” while “the sheriff acted like he knew nothing about it.”

Prison meals are approved by a dietitian, McDonald said. He added that while fights do happen, nothing on the scale of a riot has ever occurred at the Richland Parish Detention Center.

“Any prison that has that many inmates is going to have problems at some point. I don’t think we’re out of line with anywhere else.”

#### **‘Miss, I can’t read’**

Idleness is a fact of life at most local prisons. At Richland, about one in three has a job either inside or outside the prison. A few others are enrolled in a GED class, with 21 passing the exam

last year. The rest lounge around, day after day, year after year, the monotony broken only by a daily turn in the exercise yard.

“The rest of the time, I’m not going to sugarcoat it, we ain’t got as much stuff for them to do as at Angola,” Cupp said.

The Department of Corrections saves a huge amount of money by housing inmates under these conditions. An inmate at the Angola state penitentiary costs \$63.15 a day, compared with the \$24.39 sheriff’s per diem. State facilities house the sickest and oldest, but DOC Secretary Jimmy LeBlanc admits part of the differential is the lack of educational offerings.

Angola inmates, most of whom will die behind bars, can acquire certifications in welding, air-conditioning repair and other trades. But inmates at local facilities, serving sentences of just a few years, have virtually no chance to learn a skill that could improve their job prospects. Of 15,000 prisoners released in Louisiana each year, 11,000 come out of local prisons like Richland.

The education level among the Richland inmates is typical of the state prison system as a whole — an average of seventh grade, with some as low as second grade. The GED class, held in the prison cafeteria each day, is akin to a one-room schoolhouse, as teacher Phyllis White gears her lessons to a wide range of levels.

“Nothing breaks your heart more than a 55-year-old who says, ‘Miss, I can’t read,’” said White, whose students at Mangham High during the four decades she taught there included both Cupp and McDonald.

In October, Richland began offering a 100-hour re-entry curriculum that is already standard at state prisons. Inmates who were once released with nothing more than a bus ticket and \$10 will get tips on money management, job interviews and other situations they will face back in society. White is designing and teaching the new program on top of her GED responsibilities, so it will not carry a large price tag.

With money tight, LeBlanc can do little more than encourage sheriffs to offer the re-entry program, which he hopes will eventually reach every local inmate. For McDonald, it’s a no-brainer: Implementing the classes puts him in DOC’s good graces, helping to ensure a continued flow of inmates.

Soon, there will be a changing of the guard at the Richland Parish Detention Center. McDonald is retiring later this year after three terms. Cupp will not be staying on when the new sheriff, Lee Harrell, takes office.

“I know it sounds crazy and impersonal, moving humans around, but we’re stuck with this jail,” McDonald said. “We can’t walk away. We’ve got investors, employees.”



# The Times-Picayune



MONDAY, MAY 14, 2012

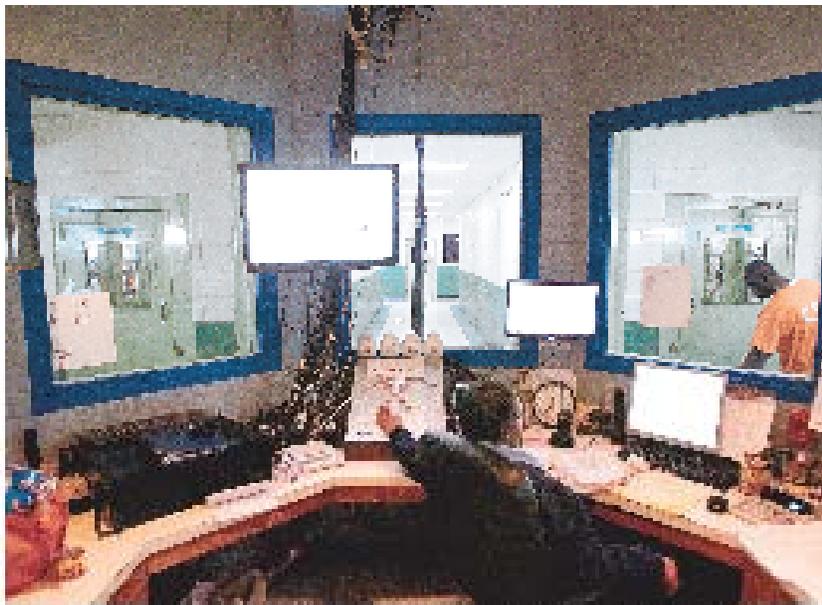
MONDAY, MAY 14, 2012

NEW ORLEANS, LA

## Louisiana Incarcerated

How we built the world's prison capital

**In local prisons, soon-to-be-released inmates languish without job training. It's a system designed to make profits off of prisoners.**



Prison control room at Louisiana State Penitentiary, where about 10,000 prisoners are housed. The facility is one of the largest in the state.

### THE 10-DAY SERIES

**TO DAY**

**MONDAY** ...

**TUESDAY** ...

**WEDNESDAY** ...

**THURSDAY** ...

**FRIDAY** ...

**SATURDAY** ...

**SUNDAY** ...

**Start by looking at the numbers**

**More inmates are now housed in local prisons than in state facilities.**

By **Scott Brinkley**

Graphic by **David Smith**

**"We've realized that prisons are like nursing homes. You need occupancy to be high."**

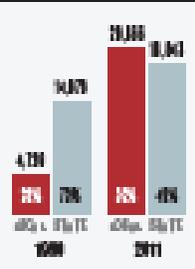
— **John B. ...**

**A SMALLER PRISON IN NEW ORLEANS COULD SEND MORE INMATES TO RURAL PARISHES**

By **...**

...

**MORE INMATES ARE NOW HOUSED IN LOCAL PRISONS THAN IN STATE FACILITIES.**



**LOUISIANA HAS MORE INMATES IN LOCAL PRISONS THAN ANY OTHER STATE.**



Source: U.S. Dept. of Justice, Bureau of Prisons

## RSD is taking a stern look at discipline tactic

**Back school decides repressive policy**

By **Scott Brinkley**

...

...



...

## NOPD is making felony arrests a top priority, report says

**Conviction rate are on the rise**

By **Scott Brinkley**

...

...

# IN LOCAL PRISONS, SOON-TO-BE-RELEASED INMATES LANGUISH WITHOUT JOB TRAINING. IT'S A SYSTEM DESIGNED TO MAKE PROFITS OFF OF PRISONERS

MAY 14 2012

**By Cindy Chang**  
Staff writer

JONESBORO

**C**lay McConnell is an unlikely scion for a prison empire. An ordained minister, his curly brown hair is fashionably rumpled, and he gets flustered when speaking in front of a video camera. His father, Billy, is the brains behind LaSalle Corrections, the one who expanded the family business from senior citizens to criminals.

When a prison-building boom swept north Louisiana in the 1990s, Billy McConnell got in on the financing and construction ends. Then he thought, why not run the prisons, too? He already ran nursing homes, and the bottom line was the same. His experience feeding and housing old folks could be applied to keeping drug pushers and petty thieves behind bars.

“We realized that prisons are like nursing homes. You need occupancy to be high. You have to treat people fairly and run a good ship, but run it like a business, watch food costs, employee costs,” said Clay McConnell, 37.

Today, the McConnells are a major force in Louisiana’s vast prison industry, playing a role in the incarceration of one in seven prisoners. The family’s fortunes have risen hand in hand with those of rural sheriffs who are the best-known face of Louisiana Incarceration-for-Profit Inc. More than half of the state’s 40,000 inmates are housed in local prisons run by sheriffs or private companies like LaSalle for the express purpose of making a buck.

Whether a sheriff uses the revenue to buy shotguns or whether LaSalle uses it to build a gleaming new headquarters, the result is the same. If you are sentenced to state time in Louisiana,

odds are you will be placed in a local prison — a low-budget, for-profit enterprise where you are likely to languish in your bunk, day after day, year after year, bored out of your skull with little chance to learn a trade or otherwise improve yourself. A coveted spot at a state prison like Angola, Hunt or Dixon is a long shot for anyone not convicted of a violent crime such as murder, rape or armed robbery.

Local prisons specialize in incarceration on the cheap. State prisons are built on huge acreage, offer an array of vocational classes and require able-bodied inmates to work. While the average daily price tag for an inmate at a state prison is \$55 a day, local prisons only get \$24.39 — and try to wring a few extra dollars from that.

Yet these are the very inmates, convicted of minor crimes such as drug possession and writing bad checks, who will soon be back in society. While lifers at Angola learn welding, plumbing and auto mechanics, 11,000 of the 15,000 people released from Louisiana prisons each year come out of local facilities and have had no such opportunities.

Louisiana locks up more people per capita than any other state. One in 86 of its adult citizens is behind bars. Of those Louisiana inmates, 52 percent are housed in local prisons — by far the highest percentage in the country.

The two statistics are inextricably linked. Prison operators, who depend on the world’s highest incarceration rate to survive, are a hidden driver behind the harsh sentencing laws that put so many people away for long periods. Then, there are the regime’s losers: the ex-convicts who have not received any rehabilitation in local prisons and the

CONTINUED



The population of Epps at 854 ...



... is rivaled by that of its 700-bed prison

**EPPS' WEST CARROLL DETENTION CENTER** is operated by Lafayette-based Emerald Prison Enterprises, which pays Epps as much as \$200,000 a year to lease the prison. The detention center accounts for half the annual revenue for the village, one of a handful of tiny towns that depend on the prison system.

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innocent citizens who become their victims.

This incarceration bonanza evolved with the wholehearted encouragement of the Louisiana Department of Corrections as a cheap, ad hoc solution to overcrowding in the state prisons. The state spends \$182 million a year to house inmates in local prisons. While rural sheriffs and private investors reap the benefits, the negative consequences are most acute in New Orleans and other urban areas that produce more criminals than they can house in their own local jails.

South Louisiana's crime problems fuel north Louisiana's incarceration industry. The dollars that might have been scraped together to pay for inmate rehabilitation go instead to upgrading a rural sheriff's vehicle fleet.

Annual profits in good years range from about \$200,000 for an average-sized operation to as much as \$1 million for parishes with several prisons.

"For the sheriffs, that became like heroin, that became a regular source of income for them," said Burk Foster, a former University of Louisiana-Lafayette professor and an expert on Louisiana prisons. "The way they save money is not because the sheriffs are more efficient but because they have fewer staff and almost no services in terms of medical care or psychological assistance or rehab or educational classes."

#### 'I get the patronage'

The drive down U.S. Route 167 to the Jackson Parish Correctional Center on a cold, drizzly December day is bleak and beautiful. For mile upon mile, pine trees mingle with bare branches

and the last of the season's dying leaves in a panorama of green, gray and red. Near Jonesboro, the parish seat, a factory spews white clouds, infusing the air with a sickly sweet smell as cardboard boxes made from local lumber take shape inside.

For as long as anyone can remember, north-central Louisiana has been timber country. These days, it is also prison country. Although Jackson Parish came relatively late to the prison game, the correctional center and its 130 jobs are as vital to the local economy as the Smurfit-Stone cardboard plant.

Inside, prisoners in black-and-white striped jumpsuits nap on bunk beds. It is 9 a.m., and breakfast was served hours ago. There is nothing to do until lunch. Some watch television in a corner

of the dormitory, which houses about 80 men. At least there is a cafeteria and daily yard time. At some local prisons, inmates eat in their dorms and only breathe fresh air a few times a week.

An orange uniform denotes trustee status — about 100 of these inmates mop floors and prepare food inside the prison. Another 100 leave the premises each day for jobs in the free world as part of a work-release program. Two dorms are devoted to a Christian-themed substance-abuse program called Celebrate Recovery. The rest of the 1,100 men, the lowly black-and-white stripes, must figure out how to amuse themselves.

When Sheriff Andy Brown was elected in 2004, Jackson Parish's only jail was on the top floor of a 1930s-era courthouse so Old South it retains a long-defunct hook and

trapdoor for hangings. Inmates enjoyed plugging up the toilets so the whole building, including the sheriff's office, would flood. Brown ran on the promise of a new jail for local residents incarcerated while awaiting trial.

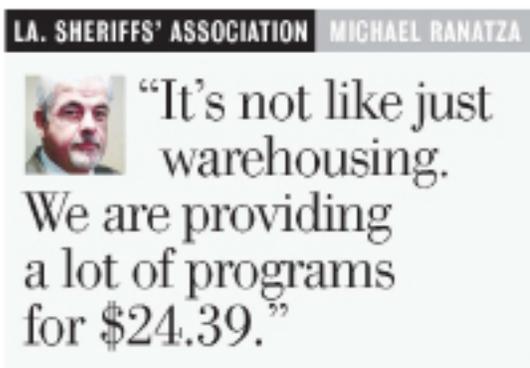
The best way to finance the operation, Brown realized, was to scale it up by also keeping prisoners from other parishes who would bring in the \$24.39 state per diem. Could he raise enough cash from his rural electorate to build such a large prison, and did he want to branch out from law enforcement to feed, house and secure hundreds of inmates from tough urban areas?

The sheriff decided to bring in Billy McConnell's company, LaSalle Corrections, which is based in nearby Ruston and runs a dozen prisons in north Louisiana and Texas. LaSalle poured \$15 million into the one-story warehouse-like structures a few miles from Jonesboro's quaint, semi-abandoned downtown.

The company owns and manages the Jackson Parish Correctional Center, but it needs the sheriff as much as the sheriff needs it: Only government entities can receive inmates from the state. In return, Brown's department gets a guaranteed \$100,000 a year.

Brown now has a decent place to house his pretrial inmates. The regular payments from LaSalle certainly come in handy. But for him, the real cake is the jobs. He made sure the prison's 100-plus employees would be sheriff's deputies with full government benefits, instantly tripling his workforce. LaSalle pays their salaries, while Brown has the final say on hiring and firing. His constituents are always asking about openings. For a parish of only 16,000 residents, a 1,147-bed prison is an economic powerhouse. Last fall, Brown won reelection unopposed.

"There's a lot of patronage here by hiring all these people.



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It's good for a rural community," Brown said. "We were able to bring a facility to this community without using any tax dollars. We employ X number of people and don't spend any money, plus the \$100,000 a year sponsor fee. I get the patronage."

#### Far from home

Among the inmates from New Orleans in Jackson Parish Correctional Center on that chilly December day are Michael Heine, 26, serving five years for burglary; David Adams, 45, transferred from a state prison because of his skill in painting cars; and Tyrone Dupleche, 39, with five years left on drug charges.

Since Hurricane Katrina, Orleans Parish Prison has not had room for all the low-level convicts sentenced at Tulane and Broad. About one in five of those with sentences of fewer than 10 years ends up at a local prison in another parish. In Jefferson Parish, nearly all the convicted burglars, swindlers and drug dealers are sent hundreds of miles from home to be fed on as little as \$1.50 a day.

Jackson gets about a quarter of its inmates from the New Orleans metro area, with more than 200 typically hailing from Jefferson Parish. LaSalle houses many more south Louisiana natives at its other prisons, which form a swath roughly paralleling Interstate 20 — Catahoula, Claiborne, LaSalle, Richwood, Lincoln, Concordia. In Richland Parish, the company has a financial stake in the prison but does not manage it.

Few Louisianians have heard of LaSalle Corrections, but its reach is broad: A quarter of local prison inmates are incarcerated in a LaSalle-affiliated facility.

Dupleche, a 9th Ward native, is lucky to have a job in the prison cafeteria. At least there is something to take his mind off the distance from his family in New Orleans. He applied for a geographic transfer but never heard back.

"These places, you just housed. It's a warehouse. And then to be away from home," said Dupleche, a round-faced man with a shaved head, clad in an orange trustee jumpsuit. In nearly a year, he has not had a visit from his aunt and grandmother, who are too old and sick to make the five-hour drive from New Orleans. In a previous stint at Dixon Correctional Institute, a state prison, Dupleche learned the plastering trade, landing a job at Stucco King when he returned home. At Jackson, he simply marks time.

Adams is more philosophical about the distance. The Algiers native started his armed-robbery sentence in 1998 at Avoyelles Correctional Center. There, he learned how to paint cars.

After 12 years, Adams was transferred to a local prison in Concordia Parish, near the Mississippi River. The reason? The Concordia sheriff needed someone to paint his patrol vehicles. Adams didn't get along with a lieutenant there, so off he went to a LaSalle-run prison, also in Concordia. Since last June, he has been at Jackson, where the staff is making good use of his painting skills.

Adams chooses not to dwell on the series of transfers. The private prisons are less authoritarian than state facilities, he said, and there is more trust between inmates and guards. His job allows him to spend most of his time outdoors. He doesn't mind being far from home; he is planning to leave New Orleans and its troubled streets behind anyway. When he is released in three years, he would like to open an auto body shop in Natchez, where he has family.

"You accept your surroundings. This is part of my sentence," said Adams. "All I'm worried about is the 36 months. Prison is prison."

Heine is similarly sanguine. He wishes the prison offered more classes, which would be "a lot more time off people's hands and give them something to look

forward to when they get home." But for him, the distance from New Orleans is a good thing, providing him with distraction-free time to think about what went wrong and how to do better.

#### Incarceration gold rush

Two decades ago, the last thing Louisiana sheriffs wanted was more inmates. The state prison system was under a federal court order to reduce overcrowding, and there was no money for new facilities.

The backlog flowed to the sheriffs, who were outraged at having the problem foisted on them. Charles Foti, then the sheriff of Orleans Parish, famously dumped a busload of inmates in a state prison parking lot.

Richard Stalder, who took over the Department of Corrections in 1992, saw a solution. Sweeten the financial incentives, he reasoned, and sheriffs would change their tune. Sure enough, an increased per diem payment and a guarantee of 40 percent occupancy was enough to spark an incarceration gold rush. Sheriffs, seeing jobs for their constituents and new equipment for their deputies, volunteered to build the new prisons the state could not afford. The once-recalcitrant Foti expanded his prison to more than 7,000 beds.

In rural, impoverished north Louisiana, the deal was particularly alluring, not only for sheriffs but for private investors, who knocked on sheriffs' doors, dangling financing and profit-sharing deals. Low, cinder-block buildings ringed with barbed wire sprouted along country highways across the state.

Some small-time investors merely fronted capital for construction costs, collecting monthly rent while avoiding the headaches of running a prison. Billy McConnell, with his nursing home experience, plunged into the management side. Another Louisiana company, LCS Corrections, developed a similar profile, with three prisons in Louisiana

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**RICHWOOD CORRECTIONAL CENTER IN RICHWOOD** is run by LaSalle Corrections, which pays the town of 3,400 more than \$100,000 a year for the right to operate a 900-bed prison. The for-profit prison operator LaSalle is a major force in the state's prison industry, playing a role in the incarceration of one in seven Louisiana prisoners.



**GALDWELL CORRECTIONAL CENTER NEAR COLUMBIA** was built in the boom times of the 1990s. Now — as the cost of food, staffing and health care keeps rising without an increase in the per diem — it's no longer a moneymaker for the parish. 'If you have a business and it's losing money, you've got to get out of it,' says Caldwell Parish Sheriff Steve May, who is thinking about selling.



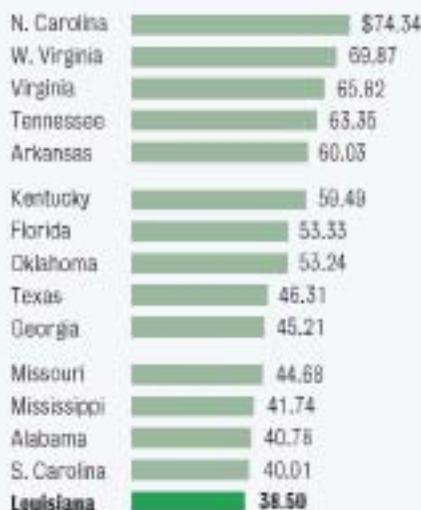
and three in Texas. Louisiana's private prison industry is mostly homegrown: The national chains CCA and GEO each operate a state prison but no local prisons.

A handful of tiny towns have even gotten in on the spoils. Richwood, a town of 3,400 near Monroe, gets more than \$100,000 a year from LaSalle for the right to operate a 900-bed prison. Epps, population 854, leases its prison rights to Lafayette-based Emerald Prison Enterprises in exchange for an annual payment of as much as \$200,000. The 700-some prisoners almost outnumber Epps residents, and the

**INCARCERATION ON THE CHEAP:**

Louisiana spends the least on its inmates, \$56 in state prisons and \$24.39 in local prisons for an average of \$38.50 a day.

Source: Southern Legislative Conference  
THE TIMES-PICAYUNE



detention center accounts for half the village's annual revenue.

Michael Ranatza, executive director of the influential Louisiana Sheriffs' Association,

downplays the profit motive. Sheriffs are saving taxpayers a lot of money by incarcerating a prisoner on just \$24.39 a day, Ranatza said. The association is in favor of more inmate programs, but money is an issue.

"It's not like just warehousing. We are providing a lot of programs for \$24.39," Ranatza said. "But as costs continue to rise, that's what they're faced with — you're getting a lot of them operating right on the edge."

**Prison economics**

So many prisons were built

CONTINUED

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in the boom times of the 1990s that sheriffs are having trouble keeping their beds full, in a business where less than 100 percent occupancy means going in the red. Now, instead of unloading inmates, sheriffs compete with each other for the catch of the day. They trade inmates as they please — shipping some to a colleague with beds to fill, unloading a guy who complains too much or asking around for a skilled mechanic.

As the cost of food, staffing and health care rises without a corresponding increase in the per diem, some sheriffs are even thinking about selling.

“If you’re losing money, you have to do something. If you have a business and it’s losing money, you’ve got to get out of it,” said Caldwell Parish Sheriff Steve May. “Since the economy got bad and the cost of everything’s gone up, we haven’t been able to funnel money to the department. It’s been just strictly to keep the prisons going.”

A private company is more adaptable than a law enforcement agency with a single prison enterprise, and the McConnells are not worried. Their pipelines from the New Orleans metro area are so well-established that Jackson Parish Warden Tim Ducote does not call Jefferson Parish. Rather, Jefferson calls him to announce that a busload of inmates is ready to be shipped up north.

A drop in the incarceration rate could spell doom for both LaSalle Corrections and the sheriffs. The Louisiana Sheriffs’ Association lobbies extensively on its members’ behalf and funds campaigns through a related political action committee. Private prison companies have the resources to be major political donors themselves. With strategically placed contributions, they can influence legislation as well as potentially steer inmates to their own prisons.

In the past decade, LaSalle and the McConnells have donated about \$31,000 to campaigns, including \$10,000 to Gov. Bobby Jindal and numerous

contributions to north Louisiana state legislators. LCS and its owners have thrown much more cash at politicians — about \$120,000 since 1999.

Some of LCS’s donations are to urban sheriffs who have a surplus of state-sentenced inmates and can choose where to send the overflow. LCS gave East Baton Rouge Sheriff Sid Gautreaux the maximum, \$5,000, in 2008, 2009 and 2010, for a total of \$15,000. About 3,100 Baton Rouge residents are currently incarcerated throughout the state, while Gautreaux’s own prison has room for only 1,800.

Pat LeBlanc, one of LCS’s founders, ran unsuccessfully for Lafayette-area state representative before dying in a plane crash in 2008. His brother, Michael LeBlanc, continues as the chief executive. LCS has run into corruption allegations in Texas, but a spokesman said the Louisiana operations have not had any issues.

If worse comes to worst, the McConnells will get into the more lucrative business of housing federal and out-of-state inmates, which they have already been doing to some extent. They are quick to seize on expansion opportunities.

When Jindal floated a short-lived proposal to sell two state prisons, LaSalle’s bid included the option of closing those facilities and moving the inmates to existing LaSalle properties. The company is angling to open a 1,000-bed facility in Arizona, where the detention of illegal immigrants is a growth industry. Jindal’s new plan to privatize the state-run Avoyelles Correctional Center presents a golden opportunity for experienced prison operators like LaSalle.

Clay McConnell will not discuss LaSalle’s balance sheets, but the family business exists to make money.

“I’m not running a nonprofit,” he said.

#### **Money for rehabilitation**

Local prisons undergo annual

inspections and are required to comply with the Department of Correction’s Basic Jail Guidelines. Beyond that, they are so loosely regulated that even Secretary of Corrections Jimmy LeBlanc is having trouble getting a handle on the daily transfers of inmates among facilities.

According to a review of inspection reports for the state’s 100-some local prisons, physical conditions are usually adequate, if basic. A major exception is Orleans Parish Prison, an aging, understaffed facility where violence and substandard living conditions are endemic. Following multiple lawsuits and withering criticism from federal authorities, Sheriff Marlin Gusman recently closed one building, the House of Detention, which housed over 600 inmates.

Prisons dating from the 1990s boom are new enough to still be in good shape physically. Prison officials, inmates and former inmates say the main problem is the lack of constructive activities, which not only engenders stifling boredom but leaves prisoners ill-prepared to re-enter society when they are released. Many sheriffs say they would gladly offer more programs, but they need more money from the state to do so.

In part because of their religious bent, the McConnells are more focused on rehabilitation than many local prison operators and are willing to set aside a portion of their profits for that aim. The relationship is sometimes symbiotic: Offering the Blue Walters substance-abuse rehab program, as LaSalle does, fills beds with inmates even as it only consumes 60 hours of their lengthy stays.

Clay McConnell may want to show his charges the right path, but there is no disguising that these are bare-bones operations. The \$24.39 per diem is by far the lowest that any state spends on prisoners. Out of that, LaSalle must not only turn a profit but divvy up the money with its public-sector partners. At Richwood

— CONTINUED —

Correctional Center, a row of classrooms is shuttered, awaiting teachers and books.

One of LeBlanc's signature initiatives is the 100-hour job and life skills curriculum known as re-entry, which is offered to all inmates leaving state prisons. He said he hopes the 53 percent of inmates serving their time in local prisons will someday go through the program, too.

But at a time when budget cuts have forced him to leave guard towers at the Angola state penitentiary unmanned, finding

money is like squeezing the proverbial blood from a stone. Lowering the incarceration rate would free up some cash, but the political winds do not seem to be blowing in that direction.

LeBlanc, always careful to praise the sheriffs as important "partners," said he would like to see a smaller prison population, with more resources devoted to those

who remain behind bars. Under that scenario, sheriffs would continue to house state prisoners, receiving higher payments in return for providing more

rehabilitation.

LeBlanc has also hinted that he might implement a centralized system for distributing inmates among local prisons, ending the daily horse trading that goes on below the radar.

In the past few months, Department of Corrections officials have begun to regulate the locations of inmates from Orleans and Jefferson parishes.

"You have to understand that, politically, it has a lot to do with the politics side," LeBlanc said of the sheriffs. "Economically, it means a lot to their parish. They use that money for patrols. It helps their parish and public safety to have extra funds. You can't knock them for that, and that's why we've got to do it in partnership."

PRISONER TYRONE DUPLÉCHE

"These places, you just housed. It's a warehouse."

## IF THE NEW PRISON IS SMALLER, ORLEANS INMATES MAY SCATTER

By **Cindy Chang**  
Staff writer

If Orleans Parish Prison is capped at 1,438 beds, down from the current 3,500, where will the extra inmates go?

With changes in pretrial detention policies, some will likely be awaiting their court dates at home instead of stuck behind bars.

Advocates for a smaller jail also hope that the hundreds of convicted criminals serving time at OPP will be shipped to state prisons, where they can receive job training and other programs not available at local prisons.

But the state system, already full to capacity, cannot absorb an influx from New Orleans. Any overflow inmates will be shipped to rural sheriffs hundreds of miles from home, where they will help finance law enforcement and enrich private investors. Orleans Parish Sheriff Marlin Gusman has been engaged in a long-running battle with criminal-justice activists over the size of the new prison being built with FEMA

dollars after Hurricane Katrina destroyed much of the existing facility.

The previous sheriff, Charles Foti, ran an incarceration empire of about 7,000 beds, and Gusman has also been accused of profiting from state per diem payments.

But the most sprawling urban prison complex differs from its counterparts up north: It is housing criminals sentenced in its own courthouse, not bringing in busloads from other parishes.

Orleans could end up like Jefferson Parish, which keeps very few of its state-sentenced inmates. One in five inmates from Orleans Parish is already serving time in the custody of a sheriff or private company elsewhere in the state. A smaller jail would almost certainly increase that number.

Gusman contends that he needs more space to expand inmate programs and doubts whether 1,438 beds will be enough to address the parish's needs. Small-jail advocates say the sheriff must get out of the business of housing state inmates.

Dana Kaplan, executive director of the Juvenile Justice Project of Louisiana, said the incarceration rate will soon trend downward, creating room in state prisons.

"Programming space, recreational and exercise space — all of those things just don't exist at a facility like OPP to the extent that they do at a (state) facility," Kaplan said. "Access to those programs is just really critical."

Despite the atrocious conditions in some parts of OPP, which is likely to be slapped with a federal consent decree, there are advantages to being closer to home. Some inmates say they would brave the rats, roaches and violence in return for proximity to their families. Gusman is at the forefront of the Department of Corrections' re-entry program to ease the transition back into society, with about 200 OPP inmates currently enrolled.

"We're talking about people returning after short stays," Gusman said. "They can benefit from not being sent to Timbuktu."



# The Times-Picayune



1137 N. PULASKI BL. MONROE, LA 70131

TUESDAY, MAY 18, 2010

NEW ORLEANS, LA 70112

## Louisiana Incarcerated

How we built the world's prison capital

**In Angola, inmates are taught life skills. Then they spend the rest of their lives behind bars.**



Prisoner David Williams works on a craft project in the prison workshop at Louisiana State Penitentiary in Angola.

### THE 8-DAY SERIES

Monday, May 17, 2010  
Tuesday, May 18, 2010  
Wednesday, May 19, 2010  
Thursday, May 20, 2010  
Friday, May 21, 2010  
Saturday, May 22, 2010  
Sunday, May 23, 2010

**MONDAY** The Louisiana State Penitentiary is the largest prison in the world. It is also the most expensive. The cost of running the prison is \$100 million a year.

**TUESDAY** The Louisiana State Penitentiary is the largest prison in the world. It is also the most expensive. The cost of running the prison is \$100 million a year.

**WEDNESDAY** The Louisiana State Penitentiary is the largest prison in the world. It is also the most expensive. The cost of running the prison is \$100 million a year.

**THURSDAY** The Louisiana State Penitentiary is the largest prison in the world. It is also the most expensive. The cost of running the prison is \$100 million a year.

**FRIDAY** The Louisiana State Penitentiary is the largest prison in the world. It is also the most expensive. The cost of running the prison is \$100 million a year.

**SATURDAY** The Louisiana State Penitentiary is the largest prison in the world. It is also the most expensive. The cost of running the prison is \$100 million a year.

**SUNDAY** The Louisiana State Penitentiary is the largest prison in the world. It is also the most expensive. The cost of running the prison is \$100 million a year.

### Is This Your Pleading Not Guilty or Guilty Plea?

When you are charged with a crime, you have two choices: plead not guilty or plead guilty. Pleading not guilty means you are innocent until proven guilty. Pleading guilty means you admit to the crime and accept the consequences. Pleading not guilty is the most common choice, but it can be risky. If you are found guilty, you will face the same consequences as if you had pleaded guilty. Pleading guilty can result in a lighter sentence, but it can also result in a permanent criminal record. It is important to consult with a lawyer before making a decision.

By [Name]

THOUSANDS OF LIVES,  
MILLIONS OF DOLLARS

More than half of those who enter Angola are

**29**  
YEARS OLD OR YOUNGER

It's like the prison never lets

**72**  
YEARS OLD...

THE COST TO TAXPAYERS IS...  
**\$1.0**  
MILLION

### JUSTICE NEWS

**"When you say, 'Life without parole,' you've given up on the criminal and said, 'You cannot be helped and therefore you're going to stay in jail until you die.'"**

## Charge added in killing of new mother

Suspect's father is booked with obstructing investigation



Photo of [Name]

A charge of obstructing investigation was added to the list of charges against a man suspected in the killing of a new mother. The man, [Name], was arrested on Monday and is being held in the parish jail. He is charged with the murder of [Name], 27, who was found dead in her home on Sunday. [Name] is also charged with obstructing investigation by providing false information to police. His father, [Name], was also arrested and is charged with obstructing investigation. The police are still looking for a second suspect in the case.



Photo of [Name]

## Ochaner's top doc leaving CEO role



Health care network's roles go to chief operating officer

[Name]

The health care network's chief executive officer is leaving his position to become the chief operating officer. [Name], 52, has worked for the network for 15 years. He will continue to work for the network as the chief operating officer. The network's CEO, [Name], will be stepping down in June. [Name] is expected to take over the CEO role in July. The network is a leading provider of health care services in the region.



Photo of [Name]

## Ruling says corps can try again on pump bids

Project already delayed 13 months

[Name]

The U.S. Court of Appeals has ruled that a corporation can try again to bid for a project that was previously rejected. The ruling is a significant victory for the corporation, which had been told that it was ineligible to bid. The project is a major infrastructure project in the region. The corporation had been told that it was ineligible to bid because it was not a qualified bidder. The court ruled that the corporation is a qualified bidder and can try again to bid for the project. The project is already 13 months delayed.

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By [Name]

64	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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# IN ANGOLA, INMATES ARE TAUGHT LIFE SKILLS. THEN THEY SPEND THE REST OF THEIR LIVES BEHIND BARS

MAY 15, 2012

**By Cindy Chang**  
Staff writer

ANGOLA

**P**eople always said Johna Haynes was lucky because of the white hair that sprouted from the crown of his head since he was a baby.

He acquired the nickname “Patch” from New Orleans police officers, who came to know him all too well. At 31, the patch has turned into a bald spot, the pale strands now dispersed throughout his close-cropped dark hair, leaving him prematurely gray. “And still lucky?” someone asked.

He looked around incredulously at his surroundings — a late summer Sunday afternoon in the Louisiana State Penitentiary’s west yard, men playing basketball and lifting weights, stray cats sunning themselves on concrete ledges, an idyllic scene if one ignored the barbed wire fences in the distance.

“I’m lucky I’m alive,” he finally said.

Something — the white patch, divine intervention or just plain luck — spared Haynes from a violent death, the fate of his brother, stepfather, stepbrother, cousin and innumerable friends. It did not spare him from another well-traveled path out of the Florida projects — the winding, achingly bucolic bus ride to the state penitentiary commonly known as Angola, where his own father served more than a decade and where Haynes is slated to spend the rest of his life without the possibility of parole.

Haynes estimates he stole at least 160 cars and committed at least 130 robberies in a brief, prolific criminal career before he was locked up forever at the age of 21. When he worked at a Shoney’s restaurant in Metairie, he never once took the bus — he always arrived in style on stolen wheels. The guns

he took from parked cars at Carnival parades or the Bayou Classic became the guns he carried while selling drugs and the guns he used to rob people.

He was shot at many times and watched others die, but he was never hit. Nor, he said, has he ever killed anyone. His dangerous lifestyle caught up to him in a different way — life without parole for pointing a gun at a man and making off with his car and valuables. Two previous convictions, for stealing a car and for trying to escape from police custody, made Haynes a habitual offender. A young thug was off the streets for good.

Louisiana leads the nation in the percentage of its citizens serving life without parole, fueling the state’s world-leading incarceration rate. Angola is clogged with prisoners who will grow old and die there. Like Haynes, many arrived as young African-American men from rough neighborhoods who wrote themselves a ticket to prison by embracing the lawless ethos of their peers.

Some criminal justice experts believe life without parole should be reserved for heinous murders, solely as an alternative to the death penalty. The U.S. Supreme Court recently did away with the sentence for juveniles who have not committed murder; Haynes was barely out of his teens during his final armed robbery.

Yet it may have been Angola, and a life sentence, that saved Johna Haynes. Now, he wants a chance to show that he has changed.

## **Slow transformation**

A gun-toting menace does not transform overnight into a model inmate with a Bible in his back pocket.

Wilbert Rideau, the condemned murderer turned world-famous prison

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An inmate is treated in the infirmary at Louisiana State Penitentiary. With three-quarters of the inmates serving life without parole and one-quarter at least 50 years old, medical costs are skyrocketing at Angola while the budget is shrinking due to state cutbacks.

journalist who was freed from Angola in 2005, writes in his memoir that his own awakening came about gradually. Through reading books, he discovered a world beyond the brutal, impoverished one he knew.

Arriving at Angola in August 2002, Haynes spent more than a year laboring in the fields and living in a tiny cell among the worst of the worst. Good behavior eventually made him eligible for a spot in the main prison, with its dormitory-style sleeping quarters, vocational classes and inmate-led clubs. Once considered the bloodiest prison in the country, Angola is now known for giving lifers, who make up nearly three-quarters of its population, the chance to build meaningful lives behind bars, even as they are unlikely to taste freedom again.

Murderers and rapists have embraced the prison's wholesome, Christian-influenced values. Cursing is banned for inmates and staff alike. Violence is rare in the minimum- and medium-security dormitories where most of the 5,100 inmates live. The men make wooden toys for needy children, teach each other the piano or banjo, preach through self-run religious organizations and

entertain the public at the famous twice-yearly rodeo.

A seventh-grade dropout, Haynes completed his GED certificate and studied auto mechanics. He began reading on his own, partaking of the “locker library” run by literary-minded inmates who trade well-worn paperbacks out of the metal chests that hold all their earthly possessions. He became a devout Christian.

As with Rideau a generation ago, it was not any one moment but an accumulation of small moments that made the armed robber into the bookworm. It took being in prison, completely cut off from his old ways, for Haynes to realize that the law of the jungle — preying on the weak, selling drugs, getting killed over a few hundred dollars or a jacket — was not the way most people lived.

Haynes is now a sophomore in the Angola Bible college, an extension of the New Orleans Baptist Theological Seminary — the only bachelor's program open to prisoners, leading to a bachelor's degree in Christian ministry. He hopes his four children — a son, two daughters and a stepdaughter — will have the future he did not.

“The change I've undergone

is for the best, because had I not straightened up I would most likely be as many of my friends who are deceased,” Haynes wrote in a letter. “It hurts me to know that a lot of them lost their lives before they even got to see life. But that pain has an element of positivity to it because I use it as fuel to power my dreams.”

#### Getting an education

Angola is like a 9th Ward reunion. The man who used to sleep in the bunk above Haynes was a classmate from Carver Elementary. Haynes' uncle is a fellow inmate. More than a dozen friends from the old neighborhood are now permanent companions at “The Farm.”

At Haynes' urging, his two younger brothers moved to rural north Louisiana after Hurricane Katrina to escape the temptations of the street. Dwight Haynes made a new life for himself in Winnsboro.

The other brother, June, went back to New Orleans and was shot dead last February, at age 21. Johna Haynes called the killing “the worst thing that's happened to me since I've been living.”

“There's always periods in your odyssey where you feel like, 'Man,

— CONTINUED —

I'm ready to leave this alone. I want to be with my kids. I want to have a family. I'm tired of looking behind my back,' " Haynes said. "But you just don't have the education to get a job that's going to provide for you. That I'm going to be a CEO today? You can't say that. You can be a laborer; you can be a burger flipper or something like that."

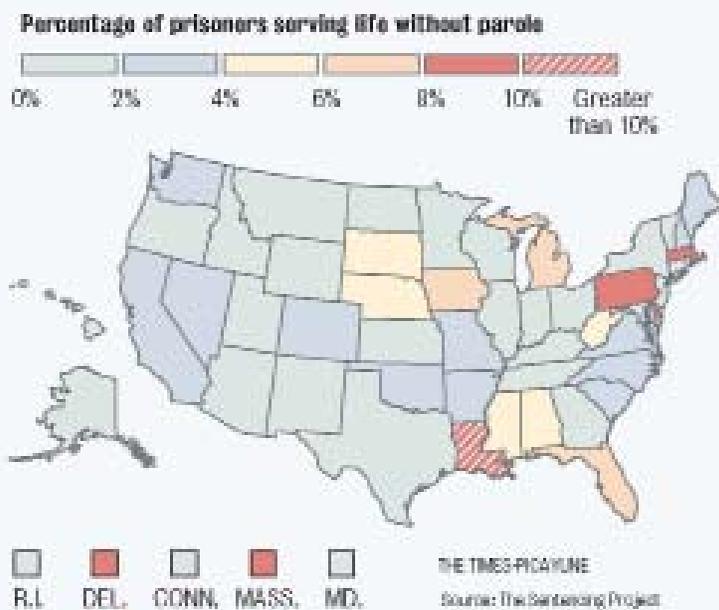
In prison, Haynes is finally getting the education that could have led to a better job on the outside. Heading to a tutorial for an electrician certification exam, Haynes grabbed a book to supplement the Bible he always carries. "I need something to read if there's any down time," he explained. His possessions, spread on his narrow bunk, could be cleaned up later. No one would steal from him, he said, since he has long ago established his reputation as someone not to be messed with.

A husky 6 feet 2 inches and 280 pounds, Haynes has a broad face that breaks easily into a bemused grin when recounting the absurdities of his former criminal lifestyle. A tattoo of his mother's name, Rachel, is visible above the neckline of his prison-issue white T-shirt. "Janay," for his oldest daughter, is inked on his left arm, near a long scar where he was stabbed as a teenager in a fight over a girl. In 10 years, he has left the 18,000-acre prison once, to receive treatment for a stomach ailment.

To stay abreast of new technology and avoid becoming a Rip Van Winkle if he is ever released, he saves news clippings about Facebook and Twitter. He reads a trade magazine for chief financial officers, in case he achieves his dream of running a mobile

## LIFE WITHOUT PAROLE

In Louisiana, all life sentences are "without parole." It has the highest percentage of prisoners serving life without parole and is the only state where that amount is greater than 10 percent.



car detailing and air-conditioning repair business. The flashcards he keeps in his jeans pockets are covered with words he wants to remember: "verve," "esplanade," "tetchy," "detritus," "paleontologist," "saké."

When he was running the streets, he had no need for books. Now, his body trapped, the life of the mind beckons. Cicero, Khalil Gibran, George Bernard Shaw and the 18th century theologian Jonathan Edwards are a refuge from the humiliating routines of prison life — stopping whatever you are doing to be counted three times a day; eating beans, rice and cornbread when you crave a pork chop; sleeping in an un-air-conditioned dorm with 80 other men at the height of Louisiana summer. Over the years, Haynes has scrounged a few extra towels to stuff under his bedsheet, making the stiff plastic mattress a touch more comfortable.

"I saw the cherry blossoms from Angola; reading is my escape," he wrote of the Japanese novel "The Makioka Sisters," set in pre-World War II Osaka.

### 'A more moral person'

By Haynes' own reckoning, he

would have remained a thug at heart, ready to resume terrorizing innocent New Orleanians, had he received a shorter sentence at a prison that did not offer as many opportunities for self-improvement. He is unexpectedly candid in acknowledging that he needed a life sentence to appreciate the value of his life. But there needs to be an out, he said, a way to show that, after 10, 20 or 30 years behind bars, he is no longer a threat to society.

Louisiana lifers used to get out on parole after serving 10 years and six months. The law was changed in 1979 to "life means

life." Since then, Angola has been filling up with men who, barring a rare reprieve, will spend the rest of their lives there. The Pardon Board only intervenes in extraordinary cases, and even then, governors are reluctant to sign the release papers, fearing a politically damaging relapse.

"See, a lot of time when dudes come to prison, if their sentence is short, they can't wait to go home," Haynes said. "You have to put the person in the situation where it's like cornering a cat. You're going to go into this corner, and the only way you're going to come out is as a changed person. If I'd had five years or 10 years, I don't think I would have made this type of change."

For Haynes and others like him, change means scrapping a violent, revenge-filled moral code reminiscent of the Hatfields and McCoys. The code requires that he kill anyone who disrespects him or his family. It allows, even expects, that he steal: "If I want it and he got it, I'm 'a get it' (from

CONTINUED

— CONTINUED —

him),” in Haynes’ words.

Yet Haynes recalls simple acts of kindness from his youth in New Orleans, the nation’s most murderous city. He looked after a paralyzed neighbor, giving beer and massages to the wheelchair-bound man. He entered narrow passageways ahead of his companions to protect them from any gunfire that might be directed at him.

Troy Delone, one of Haynes’ closest friends at Angola, has become a religious man and a scholar in prison. When the two met in 2003, they were close in age, both from New Orleans housing projects, both deciding whether to try something new or keep bucking the system.

“Should I put myself in prison, while in prison? Stay in the cell blocks, Camp J — when is this going to stop?” as Delone put it, referring to the maximum-security parts of Angola where troublemakers reside with limited access to recreation or education.

Delone, 33, is a senior in the Bible college and a mentor in the Orleans Parish Criminal Court’s re-entry program for young offenders. He is serving two sentences of life without parole for a pair of armed robberies.

“Although he wasn’t that much on a positive road, he was always intelligent, book-wise,” Delone said of his friend. “Since then, he’s enhanced that. He’s grown spiritually and become a more moral person. More of the old Johna is diminishing, and he’s becoming a new person.”

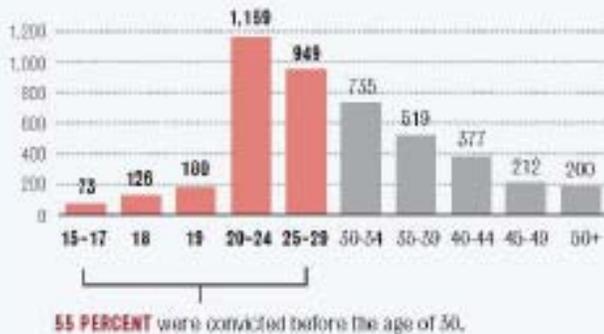
Delone himself has changed so much in speech and manner that his street cred has diminished. The younger inmates he mentors regard him with wariness until he convinces them that he grew up in the Iberville projects and used to be just like them.

The other day in class, Haynes impressed John Robson, the

## NO PAROLE, NO HOPE

Nearly 12 percent of Louisiana prisoners are serving life without parole — the highest rate in the nation. Most were sentenced at a young age, so the costs of incarcerating them will add up over time.

PRISONERS SERVING LIFE WITHOUT PAROLE, AGE OF CONVICTION:



Sources: Staff research, Louisiana Department of Safety and Corrections

THE TIMES-PICAYUNE

college’s director, with an impassioned speech about the corrupt values he once lived by. A second-year student in a class of 100, he is a standout.

“He is really articulate. He is exceptional in his articulation, very transparent. He’s a blue-chipper,” Robson said.

### Born to life of crime

Although he barely knew his father, Haynes followed square in the old man’s footsteps. When he was born on Jan. 19, 1981, his father, Melvin Jones, was serving time at Angola for killing a man in a bar fight. When Haynes entered prison himself, his then-girlfriend was pregnant with his son, Johna Jr., now 10.

Haynes’ role model growing up was an older cousin named Turk, who schooled him in the ways of the street. By the time Turk died at 19 in a hail of semiautomatic fire, he had taught his protege well. Young Johna knew how to steal without the slightest prick of conscience, to keep a handcuff key in his pocket in case he was arrested, to target Dodges, Chryslers and Jeeps because they did not need to be hot-wired but could be started with a screwdriver in the ignition.

He sold his first drugs at 11, pocketing a commission from a crack dealer who feared the buyers were undercover agents. At 13 and 14, he was peddling rocks

with Turk in the Calliope housing project.

His mother, Rachel Haynes, who gave birth to him when she was 14, stayed in an abusive relationship with Johna’s stepfather for years before striking out on her own. She raised five children on welfare and then on a restaurant cook’s meager salary.

Johna, her oldest, was a bright student, but finishing his assignments early only gave him more time to goof off in class. After he dropped out in seventh grade, the authorities made him enroll in alternative schools, but he never lasted long.

“I was a single parent. I did the best I could. He was always in trouble,” Rachel Haynes said. “I told him, ‘Johna, you have to stop. The streets are going to catch up to you.’ ... I wish he would have changed when he was out here and I was begging him to change.”

Stints in Orleans Parish Prison did nothing to scare Johna straight. At 18, riding in a stolen car on the way to a party, he tried to rob two men of their gold jewelry using a pellet gun. One of the victims had a real gun and shot Haynes’ 13-year-old friend. Even though he knew the police would come looking for him, Haynes kept vigil at the hospital for his young friend, who died that night.

In the squad car, Haynes’ handcuff key served its purpose. He jimmied the lock and made a run for it. He was never prosecuted for the attempted pellet gun robbery but was sentenced to a year for the attempted escape.

“I’m really not sure how many cars I stole. A number like 160 is pretty high, but it might be low,” Haynes wrote recently. “I remember a time when I was counting all the people I’ve robbed — I got up to 134 or 130. I hate these numbers! But guess what, I have no secrets. I appreciate where

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Inmates pray after a Bible study in September. Even hard-core offenders have embraced the prison's Christian-influenced values. Cursing, for example, is banned for inmates and staff alike.

I've been, it just makes where I'm headed more beautiful. As for the cars, I'll go with the 160, though it's modest."

On June 11, 2001, nearly a year after his release from prison, Haynes shoved a lady's stocking over his head and pulled a gun on a man named Curtis Aubry outside an auto body shop on St. Roch Avenue. He grabbed Aubry's possessions — two rings, a watch, a bracelet and \$500 — and took off in Aubry's car.

"It's like once you do it, it's addictive, it gratifies. Why sell drugs for 12 hours when you could steal it from someone?" Haynes said, recalling his former mindset.

After a half-day trial, an Orleans Parish jury found the 20-year-old guilty of armed robbery. Judge Julian Parker gave him the maximum — 99 years without parole — before then-District Attorney Harry Connick's office upped the ante, charging him as a triple offender. On May 24, 2002, Parker resented him to life without parole.

Four days after Haynes committed his final armed robbery, the law changed. Louisiana legislators decided the two prior

offenses on a multibill had to be more serious than those Haynes had racked up for auto theft and the escape attempt. The change did not apply to crimes that occurred before that date.

For Haynes, the downgrade would have made little difference, even had it applied retroactively. Ninety-nine years without parole for the armed robbery — a crime he admits he committed — still would have put him behind bars for the rest of his life.

#### **Aging population**

Burl Cain is perhaps the most famous prison warden in the country because of the many films and books documenting life at Angola. Short and heavy-set, his square face topped by a thatch of white hair, he delivers bon mots in a thick Louisiana drawl.

"Thug," "pure rogue" and "animal" are some of the terms he uses to describe many of the newly convicted criminals entering his prison.

Yet he is a firm believer that "really horrible people" can change. Even Telly Hankton, who recently shocked New Orleans with the audacity of his brutal revenge killing and attempts

to tamper with the justice system, could become a new man at Angola.

"I won't be here, but in 25 or 27, 28 years, it'll be interesting to see what he's like," Cain said of Hankton.

Louisiana is one of six states where all life sentences are handed down without the chance of ever going before a parole board. First- and second-degree murderers automatically receive life without parole, on the guilty votes of as few as 10 of 12 jurors.

Nearly 12 percent of Louisiana inmates, or more than 4,500 people, are serving life without parole — the highest proportion in the nation, according to a Sentencing Project report. While most have committed violent crimes, nearly one in 10 are locked up forever on drug or other nonviolent offenses. Three in four are African-American men.

In Texas, less than 1 percent of state prisoners are serving life without parole; the figure in Tennessee is 1.3 percent.

Cain sides with those who find the sentence morally objectionable because it assumes a person

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cannot be rehabilitated. Lifers like Johna Haynes should get periodic hearings before a parole board, Cain said — by no means a guarantee of release, but a chance to prove that a drastic transformation has taken place, provided the victim does not voice strong objections.

“I absolutely don’t believe in it,” Cain said, “because when you say, ‘Life without parole,’ you’ve given up on the criminal and said, ‘You cannot be helped and therefore you’re going to stay in jail until you die.’”

At Angola, a new arrival cannot be housed unless someone else is transferred out or dies. With three-quarters serving life without parole and one-quarter at least 50 years old, medical costs are skyrocketing at the same time the budget is shrinking due to state cutbacks. The much-praised hospice program, where younger inmates care for the dying, was born of necessity. At an average of \$63.15 a day, a lifer who enters prison in his early 20s will cost taxpayers over \$1 million if he lives past age 70.

Once a slave plantation, Angola is still a working farm, with thousands of acres of corn, peas, squash, beans and other crops under cultivation. But there are no longer enough able-bodied inmates to work the fields — only about 300 or 400, compared with 1,000 in past decades. The rest are too old or have graduated to other work assignments. Last year, Angola had to import workers from another state prison to bring in the harvest.

“I’m worried about prison being a place for predators and not dying old men,” Cain said. “That’s what it’s really for, and I want predators, sleeping in these beds, that’s going to hurt you — instead of a bunch of old men that’s creeping around on their

ANGOLA LIFER

JOHNA HAYNES



“You have to put the person in the situation where it’s like cornering a cat. You’re going to go into this corner, and the only way you’re going to come out is as a changed person.”

last legs costing my budget a fortune.”

Cain occasionally advocates for inmates before the Pardon Board, but only a select few he believes have zero chance of committing another crime. By the time a man is into his 50s, “criminal menopause” has set in, with statistics showing older parolees much less likely to become repeat offenders. Known for infusing Angola with religion, Cain said Christianity provides a convenient package of values but is not the only path to change.

Rehabilitation is a slow process. It takes at least 10 years for change to take root, Cain said, and more like 20 to 25 to completely exorcise the criminal within. By that measure, Haynes is only halfway there. Even if he truly changes, his path to freedom is narrow. The law that allowed for his life sentence is no longer on the books, but at every stage, the odds are heavily stacked against tampering with a court’s verdict.

For tough-on-crime advocates, long sentences remove dangerous people like Johna Haynes from the streets, while also acting as a deterrent. People are capable of changing, but they should not be released from the penalty they brought on themselves, said Irv Magri, a former New Orleans police officer and president of the victims rights group Crimefighters.

“It may be harsh, but if you could pass a bill requiring life imprisonment for anyone pushing heroin or cocaine above a certain

number of grams, I’m telling you, your crime rate is going to drop tremendously. They’re going to go somewhere else,” Magri said.

#### Hope for his children

In ornate, left-tilting script, Haynes writes letters to his four children, taking care with his grammar and spelling to set a good example. He urges them to stay in school and out of trouble, to aspire to college and a good career, to not let the many family tragedies get them down.

They rarely write back. Instant gratification from video games and text messages is much closer at hand. He settles for annual visits at the prison’s Returning Hearts family day. His mother, who does not own a car and says she has not been able to arrange transportation, has not seen her son since he got married at Angola in 2005, a few months before Katrina. She has troubles of her own, recently serving time on a heroin charge and dealing with the shooting death of her youngest son, June.

Haynes and his former wife Esther, who is Johna Jr.’s mother, have since divorced, though he still considers her his “ideal.”

Janay, the daughter he had before he met Esther, is attending high school in Philadelphia, where she settled after Katrina.

Domonique — Esther’s daughter and Hayne’s stepdaughter — is a senior at Warren Easton High School. She aspires to be an attorney and interned for Orleans Parish Juvenile Court Chief Judge Ernestine Gray last summer.

Kayla, Haynes’ youngest daughter, also wants to be an attorney, but at 14, she has not been attending school. She experienced the juvenile justice system from the defendants’ side after stabbing another girl on the school bus.

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Separated from the public by chain-link fencing, inmates Jerry Brown, left, Michael Ellis and Antonio Green show their artwork during the twice-yearly rodeo. One of multiple activities offered to inmates, the rodeo gives prisoners a chance to sell their art and crafts.

Two of her uncles, including Haynes' brother June, died within a year of each other.

There is only so much her father can do from prison, but his words carry weight because of his own troubled past.

"I think the only thing I can do while I'm in prison is write to her and encourage her," Haynes said. "When I talk to her, she listens.

We have this bond, this connect, between each other. She knows what I'm saying is true, what I'm saying is real."

Between his studies, church and rehearsals for his gospel rap group, Haynes has little spare time. He usually plays on prison basketball teams but has been sidelined due to an Achilles injury. He is a regular at the law library, researching cases that might move his appeal forward,



Inmate cowboys watch the action at the Angola Prison Rodeo in October. The professionally produced 'Wildest Show in the South' also includes prisoners taking on bulls and wild horses.

though success, especially without an attorney, is an extreme long shot.

Believing he will leave Angola someday requires a leap of faith. Does he ever picture himself as one of those elderly inmates in a wheelchair, a common sight at the prison? No, that would be too dangerous. He believes because he has to, because if he stops believing, he might stop his

relentless quest to learn more, to become better, to guide his children in the right direction, to keep the old Johna at bay.

Never mind that during a decade behind bars, his lucky patch has vanished, leaving only scattered strands of gray. According to his newfound religion, God protected him on the streets of New Orleans when bullets flew, God is watching him behind the gates of Angola, and God

will rescue him from the unyielding weight of life without parole when the time comes.

"I was a terrible kid. I was terrible," Haynes said. "I look back on it and I say, 'Man, God had to be with me,' because there was a lot of times I should have been dead, a lot of times I've been shot at, a lot of things I did, that I didn't want to be living. But God sees otherwise."



# ATTEMPTS AT SENTENCING REFORM FACE TOUGH OPPOSITION IN THE LEGISLATURE

MAY 16, 2012

By Jan Moller  
and Cindy Chang  
Staff writer

BATON ROUGE

**T**here was optimism in the air on the chilly day in January 2011 when Gov. Bobby Jindal announced an ambitious effort to overhaul Louisiana's sentencing laws.

A bipartisan cross section of law enforcement leaders surrounded the governor in the Capitol's fourth-floor conference room. Sheriffs, district attorneys and judges were there. So were leaders of the state House and Senate, along with good-government groups and national criminal-justice experts.

For the first time in a decade, a political consensus was emerging that it was time to reduce Louisiana's highest-in-the-nation incarceration rate. In the past two decades, the state's prison population has more than doubled, with one of every 86 residents serving time.

Weeks later, the 22-member state Sentencing Commission, revived by Jindal after years of dormancy, produced a package of bills aimed at tackling some of the key factors driving the increase, including long sentences for nonviolent crimes and large numbers of offenders being sent back to prison for violations of parole or probation.

The five bills would eventually pass and get signed by the governor, but only after the most important parts — the ones that would have actually reduced prison sentences — were removed under pressure from sheriffs and district attorneys.

This year, though, two of the commission's failed measures from the previous year were revived and have progressed smoothly through the Legislature, with

Jindal's backing. The measures are unlikely to have a substantial effect on the incarceration rate, and the cost savings will not be immediately apparent, but their passage provides a ray of hope for reformers.

Even as prison populations have strained the state budget and prompted fiscal conservatives to join liberals in calling for changes, the political calculus in Louisiana has evolved slowly since a series of tough sentencing laws in the 1970s, '80s and '90s bloated the state's inmate counts.

If anything, the balance has remained tilted toward law enforcement. After a prison-building boom in the 1990s, Louisiana sheriffs now house more than half of inmates serving state time — by far the nation's highest percentage in local prisons. Their financial stake in the prison system means they will lose money if sentences are shortened. They typically house the same drug pushers, burglars and other nonviolent offenders who will be the likely targets of any serious efforts to change the system.

"The three easiest votes for a legislator are against taxes, against gambling and to put someone in jail for the rest of their lives," said state Sen. Danny Martiny, R-Kenner, a veteran policymaker who has led the judiciary committees in both the House and Senate.

Still, reformers are not giving up. They vow to chip away at Louisiana's prison problem, one small-scale measure at a time. The success this year of the Jindal-backed bills is a sign that the climate might be shifting slightly, prompted to some extent by a state fiscal crisis.

"Given the differences we had last session with the sheriffs and the DAs,

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The Louisiana Sentencing Commission meets in February. Sheriffs, district attorneys, judges, victims advocates, public defenders and key legislators all have a voice in the current commission.

where we ended up unwittingly at an impasse, we had an incredibly great session with the sheriffs and the DAs,” said Judge Fredericka Wicker of the 5th Circuit Court of Appeal, who has been a leader on the Sentencing Commission, of this year’s deliberations. “There was a strong sense from both groups that they agreed with the entire package.”

#### **Critical support**

Ellis “Pete” Adams has seen attempts at sentencing reform come and go in the 35 years since he became head of the Louisiana District Attorneys Association. At least four or five sentencing commissions, maybe a half-dozen, have convened — he can’t recall the exact number. The results of those long-forgotten efforts sit in a file cabinet in his spacious office, their recommendations rarely enacted.

“It usually arises (and) gets

momentum when there are fiscal problems,” Adams said. “That’s when the confluence of conservative and liberal thinkers happens. The push for reducing the cost of corrections meets with the liberal view that, you know, our correction system is too harsh.”

That was certainly the case in January 2011, when Louisiana was facing a \$1.6 billion budget shortfall and the Jindal administration was looking for ways to cut costs. The governor had made no secret of his desire to reduce recidivism and get incarceration costs under control, but to that point there had been little action.

“Certainly, it makes sense for us as a state to be reducing our recidivism rate and focusing and prioritizing our resources,” Jindal said late last year.

The Sentencing Commission’s current incarnation was designed from the start to be

different than its predecessors. Past commissions have sometimes been dominated by outside groups with plenty of proposals for change but little idea of what could realistically get through the Legislature. They left behind well-meaning reports that now are mostly forgotten.

“You had basically reformer-types who were driving the recommendations, and whatever they would recommend, there really wasn’t enough stakeholder input and buy-in for the Legislature to pass those things,” Adams said.

In the newly formed commission, sheriffs, district attorneys, judges, victims advocates, public defenders and key legislators all had a voice.

They were to get technical help from the national experts at the Pew Center on the States and the Vera Institute for Justice,

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who have helped more than a dozen other states revamp their sentencing policies. Pew chipped in with a grant. Reform-minded groups packed with CEOs and political insiders, such as Blueprint Louisiana and the Committee of 100, stood ready to lend support.

By working through policy differences at the commission level, supporters hoped any bills that emerged would have enough momentum to convince recalcitrant lawmakers that they wouldn't be punished politically for votes an opponent might characterize as being soft on crime.

There was good reason to get sheriffs and district attorneys on board early. Veterans of earlier efforts said it's virtually impossible to get anything through the Legislature without support from those two critical groups.

"It's not going to work if you have the DA association in an opposing role," said former state Sen. Donald Cravins, an Opelousas Democrat who led efforts to revamp the state's juvenile justice system in the early 2000s. "And the sheriffs' association likewise. (Otherwise) you will never resolve it."

That was the spirit in which the Sentencing Commission began its work. "The agreement we have with DAs and sheriffs (is) 'We're going to work together and we're all going to support what comes out of the Sentencing Commission,'" Jindal said.

#### Legislative setback

Working on a compressed timetable with the 2011 spring session approaching, the panel decided against tackling some of the

more volatile issues and instead settled on a package of five bills dealing with parole, good-time credits and home incarceration.

To carry the most far-reaching measures, the commission tapped state Rep. Joseph Lopinto, R-Metairie, who had arrested hundreds of suspected criminals as a Jefferson Parish sheriff's deputy and later helped prosecute them as an assistant district attorney.

"The bottom line is, if locking everybody up and throwing away the key works, then we should have the lowest crime rate in the United States," Lopinto said. "We don't. So then you have to really look at your policies. In my opinion, it's strictly a fiscal issue."

One of Lopinto's proposals was intended to reduce the number of nonviolent, low-risk offenders in prison by speeding parole eligibility. Nonviolent felons made up 82 percent of the 17,223 admissions to Louisiana prisons in 2009, and Lopinto's original bill would have required first- and second-time offenders to be considered for

parole after serving 25 percent of their sentences, down from as much as 50 percent.

Third-time offenders, who currently are not eligible for parole, would have been eligible after serving half of their sentences.

Another Lopinto measure was aimed at simplifying the "good time" provisions that allow inmates to reduce their sentences by behaving themselves behind bars. Critics complained that the current laws were a confusing patchwork that made it difficult for judges and prosecutors — let alone inmates and their families — to determine how much time

needed to be served.

As the 2011 bill was originally drafted, it would have simplified the formula and changed it so that nonviolent offenders had to serve a minimum of 40 percent of their sentence, down from 46 percent, before they could be considered for good-time parole.

To be more palatable to the Legislature, both bills were designed to apply only to future offenders. Prisoners who were already locked up would have to live by the old rules.

Thus, the projected savings were small at first: The parole bill would have saved \$6 million in the first year but more than \$75 million over 10 years. The good-time bill was projected to save \$4 million initially but \$253 million over the course of a decade — money that would come from reducing the number of nonviolent, low-risk inmates serving time in local prisons.

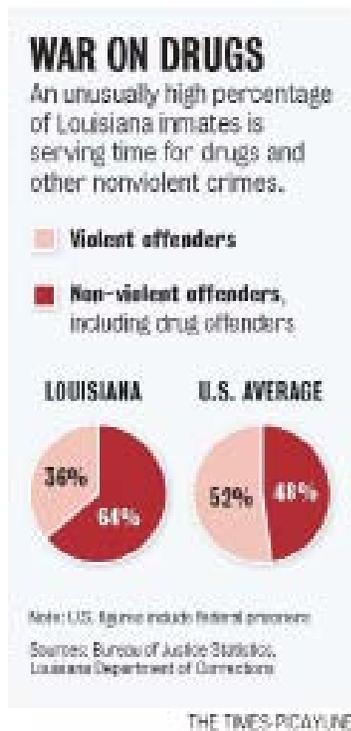
Nevertheless, the parole bill quickly ran into trouble. Days after the session got under way in late April 2011, the District Attorneys Association voted to oppose the measure. As a result, the governor's office quickly sent word that it could not support the bill and would consider a veto if it reached Jindal's desk.

Just like that, the political cover the Sentencing Commission was designed to provide had largely vanished.

By the time the parole bill got to the Senate floor during last year's spring session, it had been stripped of its original cost savings and only applied to first-time offenders — a fraction of those the commission had hoped to address.

Adams, the district attorneys' lobbyist, said a "communications problem" was to blame and that the group had never agreed to support Lopinto's bill if second- and third-time offenders were included.

"As late as when the bill got to



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the Senate, we had the lobbyist for the Sentencing Commission telling folks that the DAs had supported that earlier. That had never happened,” Adams said.

A similar fate befell the good-time bill, only this time it was the Louisiana Sheriffs’ Association that put up the roadblock.

With the governor’s staff indicating that a veto might be coming if law enforcement wasn’t on board, Lopinto quickly agreed to shelve the formula changes and thus any potential savings that would come from shorter sentences.

The turnabout surprised everyone, including Corrections Secretary Jimmy LeBlanc. “We thought we had consensus when we went,” LeBlanc said.

#### **Last-minute surprise**

Wicker and other key Sentencing Commission members were determined to avoid misunderstandings this time around.

After a yearlong series of public meetings and painstaking word-by-word edits, the commission’s 2012 legislative package appeared to have every interest group’s stamp of approval.

Perhaps for that reason, the eight proposed bills were less far-reaching than 2011’s relatively modest package. Taken together, the 2012 measures would not make much of a dent in the prison population or result in substantial cost savings.

Still, they were tiny steps away from Louisiana’s airtight tough-on-crime stance and toward more discretion for prosecutors and judges.

Then, at the February meeting where the commission was to finalize the package, a Jindal aide spoke up. The aide, Cloyce Clark, had attended all the previous meetings and even helped draft some of the legislation. Suddenly, he was pushing for changes that had not been vetted by commission members.

Clark wanted to kill a proposal to remove attempted crimes from the list of violent crimes

requiring enhanced sentences. Another proposal would have allowed prosecutors to seek sentences below the mandatory minimum for all but the most serious crimes — an option that is unlikely to be exercised often but that allows for leniency in unusual cases. Clark asked that all violent crimes and sex crimes, not just the most serious, be excluded.

After heated debate and a few dissenting votes, the commission complied with both requests.

In fact, the most significant proposals to be associated with the commission in 2012 are versions of last year’s parole and good-time bills, which are not officially part of this year’s package but are considered to have the commission’s endorsement. Lopinto introduced the measures with the backing of the governor and the Department of Corrections once it was clear that the sheriffs and district attorneys would stand down.

#### **The political will**

George Steimel, a veteran lobbyist for the Louisiana Association of Criminal Defense Lawyers, said the lack of progress in 2011 was a failure of political will.

“We know where the money-savers are. We know how to reduce the population,” Steimel said, discussing the reform package’s failure last year. “It’s the political will to do it, and that’s what failed this session.”

Martiny, the Kenner senator, said it’s hard to blame legislators, who are elected by the same voters who put the district attorneys and sheriffs in office. He cited his own efforts, earlier in the decade, to pass a series of changes to Louisiana’s troubled juvenile-justice system. Then, as now, it took months of careful negotiations to get DAs on board before his colleagues felt comfortable.

“If you give a legislator the opportunity to go either with the Innocence Project or with their DA, guess what? They’re going to vote with their DA,” Martiny said.

Still, veteran lawmakers say

the political equation at the Capitol has shifted somewhat since the early 1990s, when crime rates were peaking, the victims-rights movement was in its heyday, and lawmakers were in a rush to pass mandatory minimum sentences.

The convening of the Sentencing Commission, at Jindal’s behest, was one sign of a new openness to reform. There are other signs that the mood might be changing at the Capitol and that lawmakers might be able to reduce sentences without the feared political repercussions.

#### **Signs of change**

The revamped parole and good-time bills have sailed through the Legislature this session after Jindal agreed to support them and the law enforcement lobbies agreed not to oppose them.

One bill, which increases the rate of good-time accrual for nonviolent offenders, was signed by the governor last week, at a potential cost savings of \$2,000 to \$5,000 per offender.

Another bill makes second-time offenders eligible for parole after serving 33 percent of their sentences instead of the current 50 percent. It awaits the governor’s signature after passing the House and Senate by large margins.

The two measures apply only to people sentenced after Aug. 1, 2012. Any impact on the incarceration rate, the state budget and the sheriffs’ prison operations will be years down the road. But their easy journey through the legislative process thus far may signal some cracks in the tough-on-crime wall.

As in other states, an increasingly dire budget situation means that interest groups are feeling pressure to tone down their agendas and support cost-saving measures.

The Louisiana Sheriffs’ Association decided not to take a position on either bill this year, despite opposing last year’s good-time measure. Sheriffs are mindful of the state’s financial

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problems, even as their top priority continues to be public safety, said Michael Ranatza, the group's executive director.

"In these economic times, we're generally understanding of the plight of the state of Louisiana," Ranatza said. "We want to be good statesmen, and we're aware of the tremendous economic woes."

District attorneys, who opposed key aspects of last year's parole bill, decided they could live with this year's version after the minimum time served was adjusted down to 33 percent of a

second-time offender's sentence, rather than the 25 percent originally proposed. Sex offenders and habitual felons would not be eligible for the early parole.

"If somebody appropriate for parole happens to qualify, and we save money and do it without risk to public safety, that's a great thing," said Adams of the District Attorneys Association. "The budget is shrinking. If we can save money without increasing risk, we're open to these kinds of things."

Steimel attributes the gains in the 2012 legislative session to

several factors. Last year was an election year, making everyone — sheriffs, district attorneys, legislators — wary of rocking the boat. This year, a fresh crop of lawmakers is getting its bearings in Baton Rouge and may be more open to a different way of thinking. And there are the fiscal pressures making voters more likely to accept giving criminals a break if dollars can be saved.

"This is probably the best time to start this type of movement and reform, to start educating this new legislature," Steimel said.

## TOUGH SENTENCING LAWS KEEP STATE'S PRISONS FULL

By **Cindy Chang**  
Staff writer

Brian Martin is serving 24 years behind bars — without the possibility of parole — for a car burglary.

The 22-year-old had two other burglaries on his record when he was arrested near Abita Springs on June 8, 2011, after stripping a BMW of its stereo and steering wheel. If charged as a three-time offender, he could have received life without parole. His attorney, Doyle "Buddy" Spell, persuaded prosecutors to consider only the two most recent car break-ins, taking a life sentence off the table but doubling the 12-year maximum for a first-timer.

Martin, a drug addict with a mop of unruly blond hair, will be 46 when he is released from prison in 2036.

"I would suggest that we just threw away a life and that the punishment did not fit the crime," Spell said.

Sentences of several decades, or even life, for nonviolent crimes are not unusual in Louisiana. The state's prisons are filled with Brian Martins — petty criminals who in another state would have received a much shorter sentence



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or no jail time at all. Unusually tough sentencing laws are one major reason Louisiana has the highest incarceration rate in the world.

“We see the only goal that is being reflected accurately might be retribution,” said Katherine Mattes, a professor at Tulane Law School and interim director of the university’s Criminal Litigation Clinic.

In Texas, no bastion of liberalism, a two-time car burglar would be guilty of a misdemeanor and sentenced to a maximum of six months. California’s famous three-strikes law does not kick in unless at least one of the crimes was a rape, murder, carjacking, residential burglary or other major felony. There, Martin would have received no more than a year behind bars.

In Louisiana, about 160 habitual offenders whose most recent crime involved nothing more harmful than marijuana are serving 20 years or more. More than 300 people serving life without parole in Louisiana have never been convicted of a violent crime.

It’s not just low-level criminals who fare worse here. Louisiana is the only state that automatically sentences murderers to life without parole.

St. Tammany Parish, where Martin was convicted, is known as “St. Slammany” because prosecutors so often seek the maximum penalty. But the same sentencing laws apply throughout the state, hemming in judges with mandatory minimums. Louisiana is also one of only two states where a defendant can be convicted on the votes of 10 of 12 jurors. The threat of habitual-offender prosecution is a powerful tool to get defendants to plead to long sentences, as Martin did.

Gov. Bobby Jindal has charged the Louisiana Sentencing Commission with finding politically viable ways to reduce the incarceration rate. But the sheriffs

and district attorneys who serve on the commission tend to object to all but the most modest proposals. Bringing state sentencing laws more in line with national norms seems a distant possibility.

Meanwhile, the costs mount. Human lives tick away. The state’s finances suffer as prisoners’ sentences stretch into old age. The Department of Corrections spends about \$24 million a year caring for 300 or so infirm inmates who are no longer physically capable of committing a crime.

“The best practice is to house them long enough to rehabilitate them,” said Judge Fredericka Wicker of the 5th Circuit Court of Appeal, a leader on the Sentencing Commission. “In some respects, that’s to age out the violent factor. You don’t just release the guy who went into the Time Saver and shot two people. The ones we are housing we should house for the amount of time it takes to protect society, ensure rehabilitation and lower recidivism.”

#### **Far tougher than Texas**

If Louisiana is out of line with the rest of the country in the harshness of its punishments, the United States is out of line with the rest of the Western world.

Until the 1980s, U.S. incarceration rates were comparable to Europe’s. Then came the war on drugs and a new tough-on-crime ethos. State after state enacted longer sentences, particularly for drug offenses and other non-violent crimes. Today, the United States keeps a higher percentage of its citizens behind bars than any other nation — outpacing France, Germany and Great Britain by 10 times or more.

As criminal punishments increased throughout the United States, Louisiana went to unheard-of extremes. Money is a driving force in Louisiana, where sheriffs profit from the incarceration of more than half

the state’s prisoners.

Louisiana’s sentencing laws are significantly tougher than those of neighboring Texas, which has the nation’s fourth-highest incarceration rate and has executed more condemned criminals than any other state.

Like many states, Texas has a tiered system of punishment. Felonies fall into one of five broad categories: capital, first-degree, second-degree, third-degree and state jail felonies. The sentencing range is the same for most crimes in a category.

Most murders are classified as first-degree felonies. A murderer can get as little as five years, with an upper limit of 99 years, compared with Louisiana’s automatic life without parole.

In Texas, passing worthless checks is the lowest type of misdemeanor, a class C, carrying no prison time and a maximum fine of \$500. In Louisiana, writing a worthless check can lead to 10 years behind bars.

In Louisiana, each offense carries its own tailor-made punishment, so justice can seem arbitrary. For example, the Legislature passed a law in 2005 to punish people who were stealing sackfuls of crawfish from farmers’ ponds. The crime of crawfish theft carries a maximum prison sentence of 10 years, depending on the value of the crustaceans.

“Each statute has its own penalty that you don’t have in other states. You’ve got a lot of statutes where you’ve got no parole, no probation, mandatory minimums and such,” said Richard Jerome, a project manager for the Pew Center’s Public Safety and Performance Project. “You’ve got provisions where the third-time offense means no parole at all. Those things certainly do have an impact.”

#### **Judges have one choice**

About two dozen states have habitual-offender laws, but Louisiana stands out for its unyielding treatment of nonviolent

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Louisiana's prisons are filled with petty criminals who in another state would have received a much shorter sentence or no jail time at all. Meanwhile, costs mount and lives tick away.

criminals.

Generally, Texas bumps a repeat offender up to the next category of crime. The lower limits on such prosecutions remain fairly generous to the defendant. Someone convicted of a first-degree felony who already has another felony conviction can get less than 15 years.

In Louisiana, a trio of drug convictions can trigger life without parole. Three nonviolent crimes with sentences of 12 years or more, such as the car burglaries Martin committed, also subject the defendant to automatic life without parole. Many defendants plead guilty to lesser charges rather than risk losing a trial where so much is at stake. When judges only have one choice, sentencing hearings become a mere formality.

In 2001, the Legislature modified the habitual-offender statute to take some petty crimes off the list, a rare instance where lawmakers softened a punishment. Still, anyone sentenced under the old law has little recourse except for a pardon from the governor, which is hard to come

by. In nearly five years in office, Jindal has only freed one person from prison.

A bill that would give nonviolent lifers a shot at parole after several decades is a step from final passage in the current legislative session, perhaps due to a growing recognition that some people deserve a second chance. Jindal has indicated he will sign it.

“We have to really start taking a deep, deep look at how we are treating human beings,” said Rep. Terry Landry, D-New Iberia, former head of the Louisiana State Police. “Somewhere in a book it says, ‘By the grace of God go I.’ Some of us, the difference between us and the people who got incarcerated is that they got caught and we didn’t.”

Timothy Jackson has picked up woodworking during his 15 years at Angola state penitentiary and can make everything from rocking chairs to dining-room sets. He looks forward to the semiannual inmate rodeo and crafts fair, where he catches up with relatives and hawks his wares.

Jackson, 50, is serving life

without parole for stealing a jacket from a department store. In 1996, using two car-burglary convictions and a two-decades-old robbery conviction, Orleans Parish prosecutors put him behind bars for the rest of his life.

The 4th Circuit Court of Appeal initially downgraded Jackson’s sentence, calling it “excessive, and a prime example of an unjust result.” Then the Louisiana Supreme Court ruled that judges may not second-guess the habitual-offender law except in rare instances. The 4th Circuit reluctantly reversed itself.

Under current law, the jacket theft would no longer count as a fourth offense, but the change is not retroactive. Jackson, a Mid-City native who worked as a cook at Brennan’s and other local restaurants, is out of luck.

“I’m going to be honest. I’m locked up like I killed someone. They’ve got people who killed people got less time than I did,” Jackson said. “A \$159 jacket. If somebody had told me I could get life for that, I wouldn’t believe them.”

**ZULU MAY BUY OLD BROAD ST. SCHWEGMANN**



**MONEY, C-8**

MORE THAN 800 GRADUATE TODAY FROM LSU HEALTH SCIENCES CENTER **A-8**



**COFFEE DRINKERS MAY LIVE LONGER**

**HEALTH, A-7**



# The Times-Picayune



MONDAY MORNING

THURSDAY, MAY 17, 2018

NEW ORLEANS EDITION • 10P

## Upgraded pre-flight menu on horizon

Airport concessions are playing new restaurant

By David Hammer

Passengers in America are likely to see a new pre-flight menu on the horizon. The new menu will include a variety of options, including a new pre-flight menu that will be available at the airport concessions area.

**Local and regional news**

**LOCAL NEWS**

- 4th of July in the Bayou

**LOCAL NEWS**

- 4th of July in the Bayou

**LOCAL NEWS**

- 4th of July in the Bayou

**LOCAL NEWS**

## Costco confirms plans for first Louisiana store

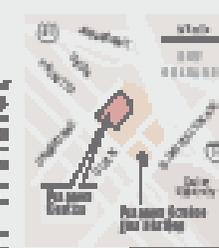
Big-box retailer slated for dilapidated N.O. land near I-10

**COMING IN FRESH**



Costco is planning to build its first Louisiana store in a dilapidated lot near Interstate 10 in New Orleans. The store is expected to be completed by late 2018 or early 2019.

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Costco is planning to build its first Louisiana store in a dilapidated lot near Interstate 10 in New Orleans. The store is expected to be completed by late 2018 or early 2019.

## Murders drop; other violence up

MSD reports quarterly crime data

By David Hammer

Murders were significantly down in May. The Metropolitan Police Department reported that the number of murders in the city decreased by 25% compared to the same month last year.

Other types of violence, such as aggravated battery and simple battery, increased. The total number of violent crimes in the city increased by 10% compared to the same month last year.

The statistics show that reported crimes increased in many major categories. Although the number of murders decreased, the number of other violent crimes increased.

## Oil, gas regulators get 25% raise to stay with feds

FERC looks for 200 new-to-bios

By David Hammer

The Federal Energy Regulatory Commission (FERC) has approved a 25% raise for its employees to stay with the federal government. The raise is the highest in the agency's history.

FERC is also looking for 200 new-to-bios. The agency is planning to hire 200 new employees to support its operations.

## Louisiana Incarcerated

How we built the world's prison capital

## Hundreds wait for Jindal to act on pardon decisions



Daily deals from the members of the Louisiana State Board of Prisoners. For more and the full story, go to [nola.com/prison](http://nola.com/prison)

Hundreds of people are waiting for Governor John Bel Edwards to act on pardon decisions. The governor has received a large number of pardon requests from the Louisiana State Board of Prisoners.

The Louisiana State Board of Prisoners has received a large number of pardon requests. The board is currently reviewing the requests and will be making recommendations to the governor.

## HUNDREDS WAIT FOR JINDAL TO ACT ON PARDON DECISIONS

MAY 17, 2012

**By Jan Moller**  
Staff writer

BATON ROUGE

**S**helby Arabie is a killer. That is not in dispute. Twenty-seven years ago, he fired the gun that killed Benny Posey after a high-speed chase that sprang from a botched marijuana deal.

Arabie is also, in the opinion of Warden Burl Cain and many others, perhaps the most rehabilitated man in the Louisiana State Penitentiary at Angola — a model inmate who has turned his life around, learned a trade and prepared himself about as well as one can for life as a free man.

But ever since the five-member Louisiana Pardon Board voted unanimously last August to make Arabie eligible for parole, he joined a growing subset in Louisiana's criminal justice system.

Arabie is now among several hundred felons — the vast majority of whom have already served their time and been released — whose pardon recommendations are waiting on the desk of Gov. Bobby Jindal.

Since January 2008, the Pardon Board has sent 450 pardon recommendations to Jindal. As of early May, he had signed 36 and rejected 36, leaving the rest in limbo. Only one of Jindal's pardons has gone to a person still behind bars.

Gov. Kathleen Blanco, by contrast, signed 285 of the 331 pardon recommendations that reached her desk during her four-year term. Of Blanco's 285 pardons, 87 went to prisoners, either shortening their terms or setting them immediately free. Blanco's predecessor, Republican Mike Foster, signed 460 pardons during his eight years in office, with the vast majority coming in his second term when he was a lame duck.

Jindal, in an October interview, said

he reviews each pardon request that reaches him, stressing that the Pardon Board's recommendation is just that — a recommendation.

"Our philosophy is that nobody that comes before the board or comes to the governor's office is automatically entitled to a pardon," Jindal said. "We think the law purposely sets up a multistep process to allow for careful deliberation."

Some longtime observers and critics of the pardon process say it is largely broken, a casualty of political pressures and public attitudes toward the incarcerated. Some wonder what the Pardon Board and its members' \$36,000 annual salaries are good for if the governor so rarely takes its recommendations.

Joe Raspanti, a Metairie lawyer who has represented dozens of pardon seekers over the years, said Jindal's reluctance to grant relief is discouraging.

"I've become more selective in taking the cases, because I don't know that I can give people what they're expecting," Raspanti said. "A lot of these people, I know they can't get help and it's sad."

Pardons have little effect on the incarceration rate, since they are meant for extraordinary cases. Even if Jindal signed more pardons, Louisiana would still lock up a higher percentage of its citizens than any other state. But pardons provide an important safety valve as well as a ray of hope.

In a state with unusually tough sentencing laws, pardons are the only way out for some prisoners. All Louisiana life sentences are handed down without parole, and Louisiana leads the nation in the percentage of its inmates serving life without parole.

The state Parole Board, which deals

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with a much higher volume of cases — about 2,000 a year — has also become stingier. Pardons are executive acts of clemency, while paroles are early releases routinely granted to inmates who have met certain criteria and are judged to pose little risk to society. Paroles do not require the governor's signature. Since 2003, the percentage of applicants granted parole has decreased from about 60 percent to 30 percent.

In Louisiana's system of justice, the avenues for mercy have become increasingly narrow.

#### **Rules have changed**

The pardon system in Louisiana had undergone big changes long before Jindal took office in 2008.

A generation ago, many applications came from prisoners and the method for winning freedom was widely viewed as corrupt. In the 1970s and '80s, felons who had the means to hire law firms with close connections to the governor's office stood a good chance of gaining the "gold seal" of clemency, according to Burk Foster, a retired professor of criminal justice who wrote a 1985 article on the subject.

A 1979 investigation by The Times-Picayune found that the law firm of then-Gov. Edwin

Edwards' executive counsel had handled more cases before the board than any other and enjoyed a success rate far above other firms.

These days the rules have changed, and it has become tougher for incarcerated criminals to even win a hearing before the board. The bar for winning a pardon recommendation has been raised, from a majority vote to a supermajority.

Meanwhile, appointments to the Pardon Board, which come with a \$36,000 annual salary for less than one week per month of actual work, remain sought-after political plums. The chairman makes \$42,000.

"It's a highly political deal," said Larry Clark, an Alexandria florist who has served continuously on the Pardon Board since being appointed in 1992 by Gov. Edwin Edwards.

Clark and his fellow board members may soon be facing an increased workload. A proposal to merge the Pardon Board with the Parole Board was endorsed by the state Sentencing Commission and is on the verge of passing the Legislature. Pardon members would retain their current salaries and duties while also taking on the work now done by the Parole Board.

Today, much of the Pardon Board's time is spent reviewing applicants who have already served their sentences and are hoping to have their records scrubbed clean so they can pass a security clearance or get a better job.

Clark said the change is due largely to the public's attitude that tough punishment is the best way to attack crime and the growing influence of victims' rights groups.

"Over time, the victims groups have played a very important role in presenting their case ... which has affected the votes of all the board members," Clark said. "If it's a bad case, why stir everyone up?"

Meanwhile, the wave of new security precautions approved by state and federal authorities after the Sept. 11, 2001, terrorist attacks made it tougher to find employment in many fields for people with a felony on their record.

"The terrorism deal forced a lot of people to try to come back to get a pardon and get that off their record," Clark said.

Of the 36 pardons Jindal has granted, just one went to someone who was actually in prison. Wesley Dick, pardoned in 2009,

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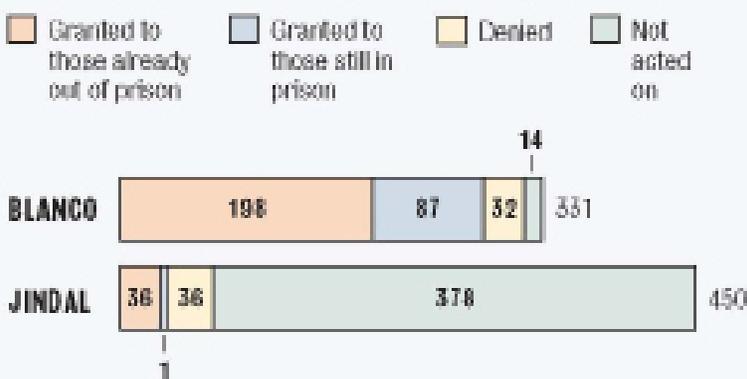
Lifer Dana Jackson of Jefferson Parish, right, teaches Christopher Fauria of New Orleans about a car's electrical system in July at Louisiana State Penitentiary. Jackson, 34, is considered a model inmate at Angola; he's an auto-mechanics instructor and a mentor to young offenders in the re-entry program. Jackson was sentenced to life without parole for heroin distribution in 1999, at age 21. On Oct. 20, 2009, the Pardon Board recommended that Jackson's sentence be commuted. He remains behind bars.

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## PARDONS CAUGHT IN LIMBO

So far, Bobby Jindal hasn't been as generous with his signature as Kathleen Blanco was. She granted 40 percent of her pardons in 2005 and 2006, prior to announcing she would not seek re-election.

### RESULT OF PARDON APPLICATIONS:



Note: All applications that reach the governor's desk have received a positive recommendation from the pardon board.

Source: Louisiana Board of Pardons

THE TIMES-PICAYUNE

was among a dwindling number of felons serving a life sentence at Angola for heroin offenses under a law that has since been repealed.

About a dozen heroin lifers, all from the New Orleans area, have received thumbs-ups from the Pardon Board but remain behind bars, awaiting the governor's signature.

Joseph Sandoval is one of those inmates serving life without parole on a heroin charge. Now 34 and in his 11th year at Angola, Sandoval will soon graduate from the prison's Bible college.

Ed McIntyre, a relative and owner of the Mr. Ed's chain of restaurants in Jefferson Parish, told the Pardon Board in 2009 that Sandoval has a job waiting for him if he is ever released. The board gave Sandoval a positive recommendation, but his application is languishing on Jindal's

desk along with many others.

### Trying to clean up records

Dana Jackson, 34, is also a model inmate at Angola, an auto-mechanics instructor and a mentor to young offenders in the re-entry program. He was sentenced to life without parole for heroin distribution in 1999, at age 21. On Oct. 20, 2009, the Pardon Board recommended that Jackson's life sentence be commuted, along with Sandoval's and that of another Jefferson Parish heroin lifer, Lakyia Skinner. All three men are still waiting.

Blanco, Jindal's predecessor, commuted the life sentences of 30 heroin offenders, making them eventually eligible for parole. Nine of those pardons came in 2006, before she announced she would not seek re-election.

"He's busy being a candidate,

traveling a lot, visiting Washington, D.C.," said Sandoval's mother, Lucy Sandoval, of Jindal. "He needs to have mercy on these kids, these young men, and give them a chance to be with their families. He needs to put rapists and criminals over there, not kids with an addiction."

On the humid August morning when Arabie asked for his freedom, the Pardon Board docket was crowded with people like Terrence Fedele, given a one-year suspended sentence in 2002 for illegal narcotics sales and possession of hydrocodone.

Nearly a decade later, Fedele was married and helping to raise a stepdaughter. He wanted a pardon so he could get clearance to work in the ports.

It took the board members just a few seconds to decide, by a unanimous 5-0 vote, that Fedele deserved a pardon

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recommendation. They did the same for Christopher James Bellard, of Lake Charles, convicted in 2001 on two counts of simple burglary after throwing bricks through some car windows.

Jessie Gross of Ponchatoula, who spent a year behind bars for selling \$20 worth of crack cocaine in 1990, also got a pardon. He owns a trucking business, but the work is starting to take a physical toll and he would like to get hired by the School Board as a bus driver. He also would like to own a firearm.

Marie Ann Terrell of West Monroe was not as lucky. A former heroin addict whose criminal record includes robbery and prostitution charges in California, Terrell was given a 50-year sentence after she helped carry out a 1980 bank robbery in Plain Dealing that netted more than \$100,000. She has been out of prison since 2004, but her parole won't expire until 2033.

She told the board that she's had trouble finding work, having toiled on and off as a cook since her release. She wants her record cleared so she can work in a nursing home.

It took the board less than three minutes, meeting behind closed doors in executive session, to decide that Terrell hadn't been free long enough to earn a pardon recommendation.

"I think you're on the right path. I just think you need a little more time," Clark explained. The vote to deny was unanimous.

#### **'Not the same man'**

It was Arabie, however, who was the main attraction.

In September 1984, Arabie was 21 years old, an electrical lineman who sold pot on the side. He made arrangements to sell 10 pounds of the drug to

two men from Meridian, Miss., for \$9,000.

Benny Posey and his accomplices had a different plan in mind when they met Arabie and his business partner at the Butte La Rose exit off Interstate 10. They pistol-whipped Arabie and stole his drugs, leaving the two men tied up along the side of the road.

Arabie and his partner soon made it back to their automobile, beginning a high-speed chase down I-10 toward Baton Rouge. At the bottom of an off-ramp, the van carrying Posey suddenly stalled. As Posey fled the vehicle, Arabie fired a single shot from his 9 mm semi-automatic handgun, killing Posey at a distance of 22 yards.

Decades later, recounting the fateful moment, Arabie wrote that he "was motivated by fear ... quite literally, I was scared out of my wits. I imagined that he would exit that van in a volley of gunfire. How could I have thought otherwise?"

If shooting at Posey was Arabie's first critical mistake, his second error was rejecting a pretrial plea bargain that would have put him in prison for manslaughter and, in all likelihood, made him a free man after five years. Arabie decided to take his chances at trial. He was convicted of second-degree murder and began serving life without parole on Nov. 5, 1985.

Arabie was an unruly inmate at first. He was written up 32 times in his first few years. In 1988, he escaped from the Louisiana State Police Barracks and fled to the Florida Keys.

But by the mid-1990s, he began to turn his life around. He earned a GED diploma and certification as a computer technician, becoming a leader in Angola's vo-tech programs. He is now a master mechanic and a mentor to his fellow inmates.

After Hurricane Katrina, he was part of a select crew entrusted to help fix broken water pumps in New Orleans.

As time went on, just about everyone connected with the case — except the prosecutor — began to think that Arabie had served enough time.

"I was of the opinion then, as his trial judge, that the maximum penalty he should have received was 21 years of confinement," the judge, L.J. Hymel, wrote in a letter to the board.

Benny Posey's family was no less convinced that his killer had been punished enough.

"Shelby Arabie is not the same man he was on Sept. 20, 1984," Ashley Posey, Benny Posey's daughter, told the board. "I ask that you give him hope."

Chris Van Way, whose wife was a high school classmate of Arabie's, told the board that Arabie has a job waiting for him at his company, J.P. Oil Holdings in Bakersfield, Calif., should he be released.

Finally there was Cain, the Angola warden, who said Arabie was just the third inmate he has ever recommended for a pardon. He called Arabie an inspiration to his fellow inmates, a daily example that rehabilitation is possible even for those serving a life sentence.

"It's about a life that's well-lived in circumstances that would tend to break people down," Cain said.

It took the Pardon Board less than five minutes, meeting behind closed doors, to recommend to the governor that Arabie's life sentence be reduced to 40 years plus good-time credit, which would make him immediately eligible for parole.

Eight months later, Arabie continues to wait for the governor's signature.



# INCARCERATION TEARS APART FAMILIES AND ENTIRE COMMUNITIES. AND IN SOME NEIGHBORHOODS, DOING TIME IN PRISON HAS BECOME COMMONPLACE

MAY 18, 2012

**By John Simerman**  
Staff writer

**F**or Jaymalis Falls, life has come to this: reluctant homebody, confined to a front-door stoop.

He sat there one recent sundown, twisting the dark curls above his forehead and trying to ignore the bulky plastic monitor strapped around a sock on his left ankle. He's been caught 26 times for violating his house arrest, he said. A juvenile judge gave him one last chance.

"I hate it. I can't go anywhere," he said. "They can see through walls. I feel like an animal in this."

A few months ago, the 15-year-old was an elusive figure, disappearing to who knows where, attending school or not. He did what he wanted, and often that meant trouble.

A role in a knife-point robbery over an iPod last year landed him in juvenile detention for a month. Another time, he hopped on a bicycle outside a corner store, rode off and quickly got busted.

The KIPP Central City Academy, which has a mission to shepherd disadvantaged kids from the neighborhood into college, booted him from its rolls.

"He's drifting away to the street life," said his great-aunt and caretaker, Desmond Marie Hyman Davis. "He feels like he can whoop the world. Right now on his mind is money. He wants fast money. I said, 'Not all money is good money.'"

Jaymalis — who goes by "J.J." — is meandering toward a cliff that seems always right around the corner in a neighborhood with one of the highest incarceration rates in New Orleans, in a state that locks up more of its residents, per capita, than any place in the world.

Nearly everyone in his immediate family has served time. Family members

and others fear the same, or worse, for him.

Jaymalis and his 13-year-old sister, Semaj, have bounced around among relatives since they were little. Their father was murdered, and their mother admits she's been too strung out on heroin to devote herself to

raising her kids. Davis, who juggles a responsibility she didn't seek with a drug habit she can't shake, has considered asking a juvenile court judge to revoke Jaymalis' probation. Sending him away for a while, she thinks, might set him straight.

"I'd rather he go in the system," she said, "than be in jail for the rest of his life or sprawled out dead in the middle of the street."

The yellow shotgun double where Jaymalis sleeps, in a room with barren walls and a bed propped up on cinderblocks, sits just three blocks from the columned mansions and oak canopies of St. Charles Avenue. But it feels miles away.

This is "the belt" of Central City, home to an invisible, grating force — the cycling of its residents in and out of prison — that can fray family and community at their roots.

Around here, young men leave home for prison, not college. No one can afford to buy Jaymalis trendy sneakers, MP3 players, the things kids covet. So before his house arrest, he took to hanging out with friends and taking what was there.

Neighborhoods like this one have been particularly hard-hit as Louisiana's prison population has increased exponentially over the past few decades. Nobody here is a stranger to the ripples emanating from the state's stiff sentences, swollen prison rolls and vacuum of

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At 15, Jaymalis Falls has been arrested several times for theft and was booted out of school. When young men leave his neighborhood, they are more likely to be heading to prison than to college.



resources for convicts who return home.

While the state spends millions of dollars each year locking up Central City residents, it has invested comparatively little in schools, recreation programs, job centers and health clinics. Boys grow up believing that dealing drugs — a daily trade in the few blocks around Jaymalis — is the surest way to cash. Doing time is an expected price, if not a rite of passage.

Schools like KIPP, which arrived in New Orleans after Hurricane Katrina, offer one of the few clean paths out of the neighborhood's crime-pocked streets. As he sits on the stoop, pondering an ill-defined future as a famous rap artist, Jaymalis may already have squandered his best chance.

#### Police sweeps

Outside the Uptown Meat Market at Seventh and Danneel streets, drug dealers sling their wares while school-aged kids shoot hoops on a lone, netless rim parked near the curb.

Police swept up several of Ralph Martin's friends about a year ago, the dreadlocked 18-year-old said. Now those buddies are in prison.

"See what we doin' now, lookin'



Jaymalis complains about his house arrest and the bulky plastic monitor that enforces it. "I hate it. I can't go anywhere," he said. "I feel like an animal in this."

bored? That's how it affects the neighborhood," Martin said of the constant jailings. "They handpick the people they want."

Asked why police busted his friends, he said: "For what else? Stuff that goes on in the neighborhood."

Tameka Franklin, a grandmother at 40, sat on the porch of a model house with solar panels chatting with Martin. Her son, Martin's close friend, is doing two-and-a-half years at Hunt Correctional Center on a marijuana rap.

"Last year they put it on him," Franklin said. "He says it's a place nobody wants to be."

It seems everyone in this neighborhood has a relative or friend in prison. Many have done time themselves.

Residents here see an element of chance to who lands behind bars and who stays out. Who will the cops pick next? Where are the police sweeps on the tony side of St. Charles?

The 6th District police not long ago put a full-court press on a five-block-by-five-block swath of the neighborhood, "marching like Sherman on every porch, on every stoop," said 6th District Commander Robert Bardy. The goal, Bardy said, was not so much arrests as

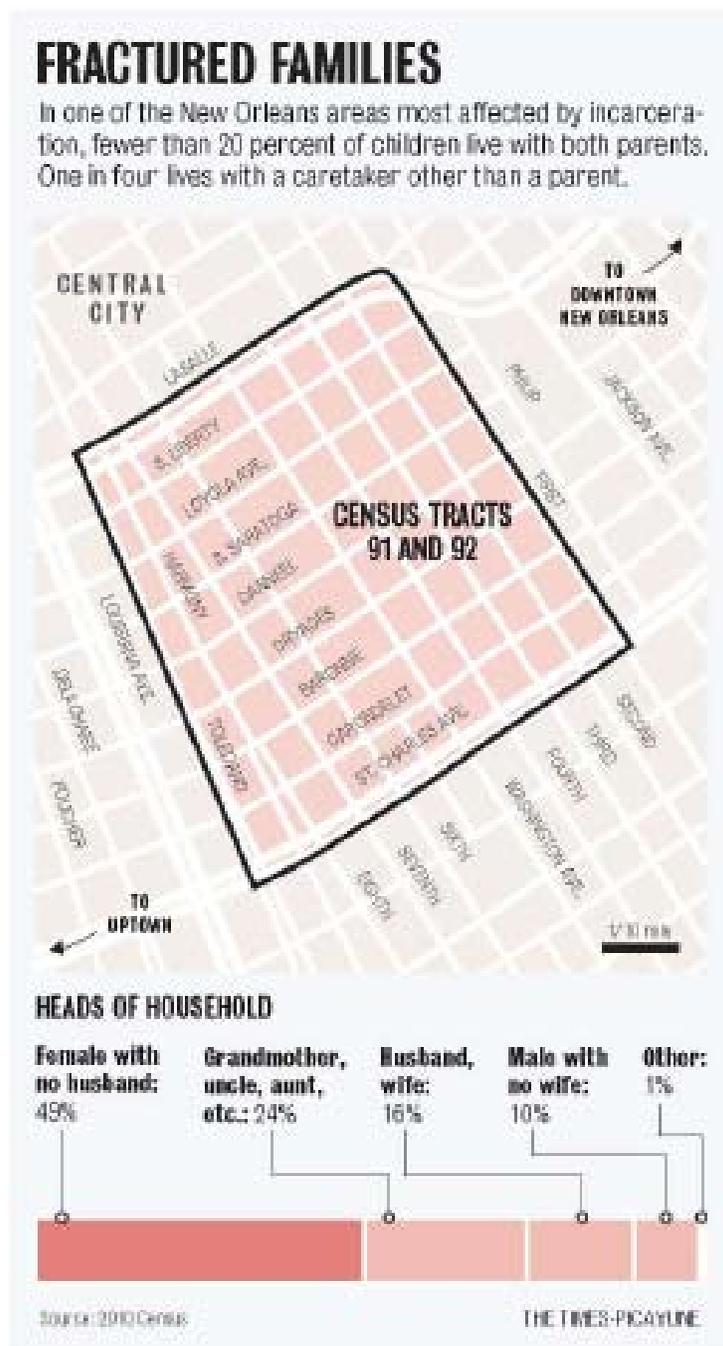
presence.

Bardy said he sees an alarming number of "shameful" knock-down, drag-out fights among girls in the area — and a core group of kids driving crime in the neighborhood. He receives numerous calls from residents and activists who pinpoint trouble spots.

He said he knows police can't arrest their way out of the problem. But he can't rely on "justice reinvestment" — a concept to redirect millions spent on incarceration into Central City programs that might put kids on a different path. Right now, Bardy said, a malignant subset of youth in the neighborhood still needs arresting.

"They are opportunists," he

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said. “If they’re riding a bike from A to B and see a laptop in a car, it’s their laptop.”

While drug dealing is prevalent here, it’s not the most violent corner of the city, at least not right now. Neighbors note that gunfire has subsided since two murders last year hit a week apart.

Steven Powell was shot dead while running through Davis’ backyard. Then Kendrick Gibbs, who struggled to hold a dishwashing job over frequent returns to jail, was killed a block up Sixth Street.

Still, no one would be surprised to witness another

shooting. The sparsely populated four-block area of Sixth and Seventh streets between Dryades and Danneel streets was home to 98 NOPD arrests over the past two years, including 60 for drug violations, according to police statistics.

Before Katrina, Central City had 4 percent of the overall population but 8 percent of its imprisoned residents, according to a 2009 study by urban planners from Columbia University.

Mostly spared from Katrina flooding, Central City revived relatively quickly, and so did its crime. Within two years, the

area’s incarceration rate hit 82 percent of pre-Katrina levels, the study showed.

As Louisiana locks up more people for longer periods, Central City — a neighborhood full of children, nephews, girlfriends and grandparents of the imprisoned — feels the sting.

#### Growing up angry

Semaj slips inside the house on Dryades, where a small TV blares the latest episode of “First 48,” a reality murder-investigation show.

Lately she’s been lashing out

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13-YEAR-OLD SEMAJ FALLS

“I don’t think ‘happy’ lives here with me. They’re always killing people and stuff.”

GOOD WORK NETWORK PHYLLIS CASSIDY



“They have no way out, and it becomes a hopelessness that permeates these communities.”

BETHLEHEM LUTHERAN CHURCH THE REV. PATRICK KEEN



“They’re challenging their caregivers. They’re challenging society. They’re reacting, and they have a right to react.”



Dusk falls at the Uptown Laundromat at Danneel and Sixth streets in Central City on March 1. The sparsely populated four-block area of Sixth and Seventh streets between Dryades and Dannee home to 98 arrests over the past two years, is among the neighborhoods affected by the exponential increase in Louisiana’s prison population over the past few decades.

— “beaucoup fights,” Davis said — and her school attendance is spotty. She often runs away, sometimes for days.

In late February, social workers came to the house with clipboards on two straight days. Davis said she called them herself.

Davis has been prodding the children’s mother, Troylynn Falls — whom Davis also took in when she was young — to play a bigger role. The kids, Davis said, don’t respect her like they might a real mother.

“I can’t control them. I’m ready to give up,” she said, bleary-eyed and raspy. At 50, her gaunt face reflects years of struggle with crack addiction. “Most of all, they retaliating out on me. It’s tearing out at me, inside and out. I can’t move on like this here.”

Falls served a 30-month prison sentence for cocaine, got out and still struggles with a heroin addiction. She lives a dozen blocks away, toward the river, and comes by every now and then.

The children’s father, James “Roper” Dowell, spent years in

and out of jail for drugs and car theft until someone killed him months before Katrina. Semaj, his name spelled backward, never saw much of him. “I just know he was shot,” she said.

Falls, who occasionally comes by the house, said the task of raising the kids eludes her. On her chest is a scrawled tattoo of Dowell’s middle name, Romalis.

“The way for me to get my motherhood back is to really think: What goes and what don’t. They love me, but they don’t condone the situation,” said Falls, a

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grandmother at 34 after another daughter had a baby at 16.

Davis' fiancé, Irvin McCoy, is the nearest thing to a male figure around the house. He did more than a decade at Hunt on a burglary charge and now roams the neighborhood on his bicycle, picking up occasional yard work. He says he now keeps to liquor, not drugs.

"I told him how it's real," McCoy said he told Jaymalis about the threat of prison. "He doesn't listen."

Davis does some housekeeping and gets \$400 a month from the state for the kids' upkeep. McCoy helps with the rent, but it's not enough to give the kids what they want, she said.

Jaymalis and Semaj have never met their grandfather, Davis' brother. He's doing life for murder and rape.

Semaj dangles her lanky legs off the bed and picks at a scab. It's an early spring day and she's wearing the same satin sleep cap and the sweatshirt with the butterfly print that she seems to put on almost every day. Her dark eyes wander the walls.

She wants to be a singer and a model someday, she said. She likes Whitney Houston and sings when she's angry. She sings a lot.

"I don't think 'happy' lives here with me. They're always killing people and stuff," she said. "It's hard living without a mom. I see her. We just say, 'Hi.' Every time it's time for her to try, she don't want to try."

#### 'They have no way out'

Dryades Street runs through the center of an incarceration hotbed framed by LaSalle Street on the lake side, St. Charles on the river side, Toledano Street on the uptown end and First Street on the downtown end. A few blocks removed from leafy St. Charles, the area turns about 94 percent black.

Fewer than one in six children in the neighborhood live in husband-wife households, according to the 2010 census. Like Jaymalis

and Semaj, a quarter are not living with either parent.

More than a third of the homes are empty — some of them crumbling shells draped with vegetation — even as new homes and apartment houses rise among them.

The story of the neighborhood is a fairly typical American tale of descent into urban poverty and crime.

It has long been a working-class streetscape but also served as a retail hub for black residents from across the city during the Jim Crow era. Shops and churches along the strip of Dryades now called Oretha Castle Haley Boulevard, east of where Jaymalis lives, thrived at mid-century.

By the 1970s, drugs and prostitution had crept in, and the former retail stretch is now largely occupied by storefront churches, empty windows and bootstrap social services agencies. Attempts to revive it have been halting at best.

In 2009, a group of Columbia University planners found that Central City contains some of the highest incarceration levels, and costs, in the city.

While precise neighborhood-level statistics on incarceration are unavailable, the area's residents are overwhelmingly poor and black.

Data shows that one in 14 black men from New Orleans is behind bars, compared with one in 141 white men. One in seven black men from the city is either in prison, on probation or on parole.

Those rates are substantially higher in depressed areas like Central City.

Several of the apartment houses in the neighborhood where Jaymalis lives are occupied largely by ex-convicts and parolees. Many of them are jobless or lightly employed. They hang out at midday playing dominoes or gather in the morning to drink and swap stories on stoops.

Patricia Farve grew up here and has watched the decline. She

serves as a mentor for Jaymalis in a church program for children with incarcerated parents.

"We've had doctors, lawyers, Indian chiefs come out of this neighborhood. The Mardi Gras flavor was in the neighborhood. Anybody could parent you, tell you to get back in that house," said Farve, 53, a licensed child-care provider. "Now you've got churches and barrooms. What's going on? Churches, barrooms and corner stores. And we're not talking fruits and vegetables. It's not a Winn-Dixie or a Walmart."

It's an environment, some say, that breeds nearsightedness, a "see it, take it" mentality: Better to sling drugs than work a fast-food counter for minimum wage.

"They have no way out, and it becomes a hopelessness that permeates these communities because there has been, 'Go to this job training,' and there are no jobs," said Phyllis Cassidy of the Good Work Network, which runs an incubator program in Central City for budding minority business owners.

Compounding the problem is a disturbing indifference at the prospect of prison. Incarceration, for some, has become an expected fate.

"It's hard out here, and it's hard in there," said Brandon Washington, who said he spent a year in the Orleans Parish jail on a drug charge but would rather have done time in a state prison like Hunt. "In state, you get better treatment. You get to go outside."

Washington was hanging out on Seventh Street one recent afternoon with a group of a half-dozen friends. All said they had spent time behind bars.

None of them wanted back in, but none seemed to particularly fear it.

"That's a place of longings. I don't want to go back, but I'm not scared," said one woman who just got out after three years in

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state prison.

### **In and out of trouble**

Jaymalis doesn't worry about a life behind bars. It's just not for him, he said.

Not now, and not in five years. He has a music career in his future and may want to attend Harvard University, he said.

Lean, with reddish-brown dye fading from his dark hair, Jaymalis has a lithe, 5-foot-7-inch frame and soft eyes that make him seem younger than his 15 years, with a quiet sureness that doesn't. He would rather not talk about his parents, or himself for that matter. But his time on home confinement has given him a chance to think, he said.

"I be making some crazy decisions," he said. "I know how to stay out of trouble. I just can't wait till all this is over and I be famous, be a rapper."

Last year, he spent several weeks in juvenile detention.

"I didn't want to be there, but it was all right," Jaymalis said. "I had a couple of fights."

KIPP Central City, which Jaymalis attended before his

expulsion, is part of a national charter school network specializing in delivering kids from poverty to college.

Principal Todd Purvis said he recruits heavily in the neighborhood, which is home to about 40 percent of its students. All of the 800 students at the school are black, and nearly every one qualifies for a free lunch.

"One of the things we work with kids on is, you need to bring your A-game to school. There's an opportunity to break the cycle here," said Purvis, who would not discuss Jaymalis' removal.

Still, just a few weeks ago, a 15-year-old girl and boy who had gone to another KIPP college prep school both were slain by gunfire. Jaymalis said he and the boy, Brandon Adams, were close friends.

"I figure if those people are getting killed, I gotta watch my back," Jaymalis said. "Don't know who's looking at me. People's dropping like flies. Imagine when summer hits."

Since he left KIPP, Jaymalis has attended a ReNew charter

school in Algiers for teenagers at risk of dropping out. He claims the work is easy, although a recent report card was peppered with failing grades. He says he's moving to a different school now, in Jefferson Parish.

"I think they want to see if my attitude will change," he said.

Farve, Jaymalis' mentor, laments the lost opportunity of KIPP's rigorous education.

"That was a golden ticket. You had a ticket to go to college, and you threw that away," she said.

"This didn't just happen yesterday. He never had a break. They never had a break. He's been thrown to the aunt, thrown here, thrown there. At the end of the day, you have to have some power over your own destiny."

### **Fathers locked up**

The number of children who are growing up with one or both parents behind bars has multiplied nationwide along with the incarceration rate. According to one estimate, the total has increased sevenfold in the past two decades. More than 1.7

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Central City native Patricia Farve has witnessed the neighborhood's decline from a vibrant area of working families to a blighted area with residents who are continually in and out of prison. "We've had doctors, lawyers, Indian chiefs come out of this neighborhood," Farve said.

million children in the United States now have least one parent in state or federal prison.

According to studies, these children exhibit telltale behavior: aggression, defiance, disobedience, school problems, emotional withdrawal, anger and hostility toward caregivers.

The Rev. Patrick Keen, pastor of Bethlehem Lutheran in Central City, said he knows about a dozen people currently serving time. Almost all have children.

Keen's church runs a mentoring program for children with parents in prison. Jaymalis met Farve there. Mentors organize weekly excursions to the park, the movies, Zephyrs baseball games — anywhere away from the neighborhood.

Like Jaymalis, many of the kids in the program have already come face to face with the law. Keen said success comes in small doses of respect.

"They're challenging their caregivers. They're challenging society. They're reacting, and they have a right to react. It takes on psycho-social ramifications that we have not begun to

wrestle with," Keen said.

The troubles do not end after a parent is released from prison. Federal rules prohibit felons from living in government-subsidized housing and from getting food stamps.

With few job prospects and sometimes hefty child support bills, convicts often return on the outs with family, said Ernest Johnson with Families and Friends of Louisiana's Incarcerated Children, not far away on Oretha Castle Haley.

Johnson spent eight years in prison for various offenses. His son is now behind bars awaiting trial for an alleged murder committed when he was 14.

"If you were sustaining a family, and I were to take you for six months or 20 years, it doesn't matter. Six months, you done broke up my family," Johnson said. "Everybody in that house has to carry that burden."

#### **A kid at a crossroads**

Jaymalis sat on the stoop and shrugged.

"I'd like to move out of here. Too much killing," he said.

He likes to play hoops nearby. Now, with the ankle bracelet, he can't do much of anything. He recently had a job painting trim on houses in the neighborhood, he said, but the work meant repeatedly breaking his curfew restrictions and sparked another visit to a juvenile judge.

With his movements restricted to the front stoop and inside the house, Davis said she sees a turnaround. Farve, his mentor, sees a kid at a crossroads, toggling like so many others between promise and prison.

Others wonder whether Jaymalis and Semaj can withstand all the trouble on Dryades. Laquwanda Dowell, an aunt, sometimes falls into the past tense when talking about them.

"They're so far gone. They're allowed to do whatever they want to do, and they don't have to answer to anybody. If they were in a stable home with more discipline, it would have been fine," she said. "(Jaymalis) is kind of falling in the street because he needs things. He wants clothes or whatever. If he's doing it, it's to survive."



# The Times-Picayune



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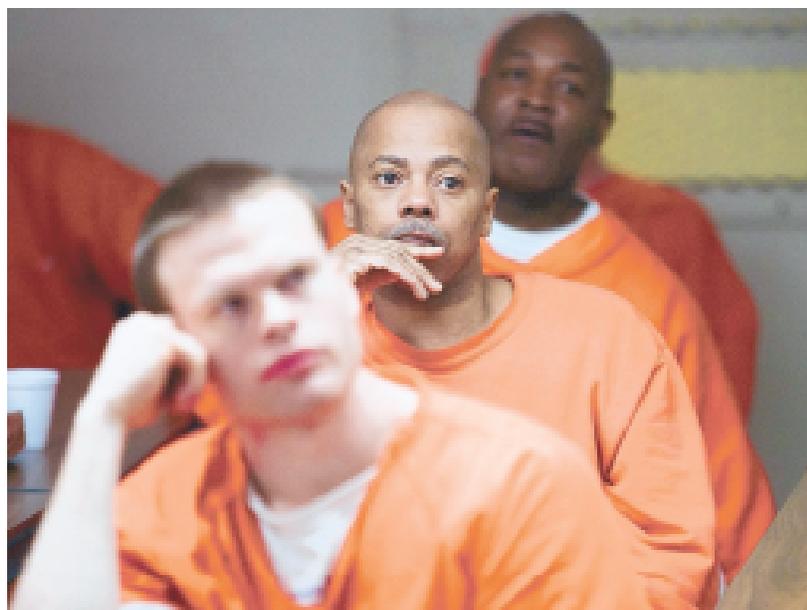
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## Louisiana Incarcerated

How we built the world's prison capital

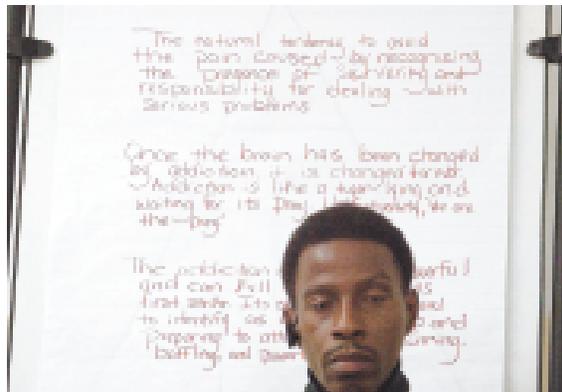
Re-entry programs help inmates leave the criminal mindset behind. But few have access to the classes.



Classroom inmates at the Louisiana State Penitentiary in Baton Rouge. The state has the highest incarceration rate in the country.

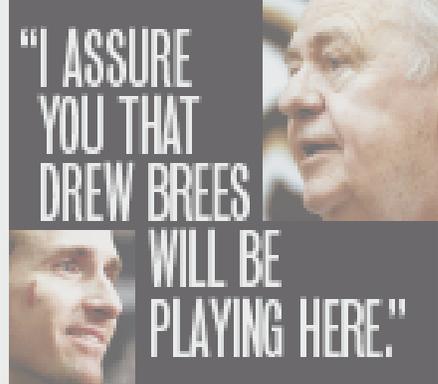
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Dr. [Name] explains the science of addiction.

The national tendency to avoid the pain involved in recognizing the presence of...  
 Since the brain has been changed by addiction, it is changed for...  
 The addiction is not just a bad habit and can still be...  
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Brees' career sounds on upbeat note on re-signing heart and soul of team

**By [Name]**  
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### TREASURES UNDER THE SEA



Researchers have discovered a treasure trove of...  
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### Newly found evidence has rape case on hold

**Convict was about to be freed**  
**By [Name]**  
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# RE-ENTRY PROGRAMS HELP INMATES LEAVE THE CRIMINAL MINDSET BEHIND. BUT FEW HAVE ACCESS TO THE CLASSES

MAY 19, 2012

**By Cindy Chang**  
Staff writer

**T**he rats, the roaches, the stab-bings and the suicides have never stopped J.C. Alford from coming back.

Out of prison for a year or two, then back on a drug charge here, a burglary there — it's a cycle he's been repeating since 1977. More than three decades since his first arrest, he is now 52, sitting in a classroom full of other inmates at Orleans Parish Prison, learning how to leave his criminal ways behind.

"What you been doing while locked up?" Leo Hayden, director of OPP's new re-entry program, asked the class one afternoon in December.

"Nuttin'," "Sleep all day," came the answers. So it has gone for Alford during his stints at the prison, notorious for its poor living conditions. Each time his release date arrived, he was let out on the street, no better than when he entered, perhaps worse for the company he kept — until now.

"All these years I've been coming back here, nobody give a damn about nobody back here," said Alford, a gray knit cap pulled over his head, his beaded necklace and tattoo-covered legs distinguishing him in a sea of orange jumpsuits.

"You know what's different now? You're going back out there with me in your corner," Hayden replied, to applause. One inmate, then another, came up to shake Hayden's hand. No more idleness. Their days are now occupied with coursework — anger management, character-building, job interviewing, computer training, money management, resume writing.

Hayden is like a rock star with this audience of convicted felons, singing of the troubles they've known and how to

be a better man. A former NFL running back whose drug habit landed him behind bars for five years, he speaks from hard experience. Sheriff Marlin Gusman brought Hayden down from Chicago to run a 10-week curriculum for prisoners nearing release. For the first time, the hundreds of men serving state time at OPP are targets of a concerted effort to prevent them from ever losing their freedom again.

On Family Night, relatives bring their loved ones' favorite foods and listen to guest speakers. If someone needs an outfit for an interview, Hayden has been known to pull a shirt from his own closet. There are the Hayden-invented mantras that some graduates will repeat to themselves over and over as they face the trials and temptations of life on the outside.

Two months at the tail end of their sentences might be too little, too late. Still, it is something, and many of the men are hungry for second chances. Until Gusman launched the re-entry program a year ago with Hayden and a staff of four, an OPP inmate was simply shown the door on his release date, after months or years of sitting around with nothing to do. Statewide, 50 percent of ex-cons end up back in prison within five years.

"We're helping people reconnect with their humanity," Hayden said. "If we do that, the killings will stop. People will realize that losing their freedom is not a rite of passage but a sentence to death."

## **Re-entry programs scarce**

Louisiana's prison system has a unique and damaging wrinkle. Fewer than half of inmates are housed in state prisons like Angola, Dixon or Hunt. The

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Leo Hayden, a former NFL running back whose drug habit landed him behind bars for five years, can speak to his students from experience. One of his maxims: Don't blame others when you're dealt a bad hand.

rest serve out their time in the custody of a sheriff, whether in their home parish or somewhere in rural north Louisiana's prison belt — often so the sheriff can make a profit.

These are the very people who will soon be back on the streets because they are serving less time for less serious crimes. Of the 15,000 prisoners released each year, 11,000 come from local prisons.

All inmates leaving state prisons receive a version of the 10-week re-entry program. While behind bars, they can learn trades such as auto mechanics and welding. Lifers in the state penitentiary at Angola have ample opportunities to better themselves.

But most in local prisons are not even getting the basic re-entry curriculum, let alone new skills that could help them land a decent job. Louisiana's world-leading incarceration rate — one in 86 adults is behind bars — makes the question of re-entry especially crucial. In New Orleans, the nation's murder

capital, one in 14 black men is in state custody, with many more having served time at some point in their lives. At any given time, about 6,600 people in the city are on probation or parole.

Jimmy LeBlanc, head of the Department of Corrections, is a believer in re-entry. He started the re-entry program at Dixon Correctional Institute when he was the warden there, and he has made re-entry a centerpiece of his systemwide reform efforts.

Under LeBlanc's plan, the pilot program in Orleans, along with a similar one in Shreveport, will eventually develop into regional re-entry centers, hosting all soon-to-be released inmates from those areas. LeBlanc hopes that, someday, all local prison inmates will graduate from re-entry. But with budget cutbacks, as well as the need for buy-in from every sheriff, the goal remains elusive.

Re-entry has also become a buzz word among New Orleans city officials, who are making room for it in their anti-violence initiatives. More business owners

are ready to offer ex-cons what they need most: jobs.

The average education level among Louisiana prison inmates is seventh grade, limiting many to menial, low-paying jobs.

In addition to whatever got them in trouble in the first place, they now have the stigma of a criminal record. Usually, the path to success requires avoiding old friends and old haunts.

The obstacles are daunting. But there is increasing recognition that turning miscreants into productive citizens could someday make the city safer.

"They're at this place, 60 miles from nowhere, and we're giving them a timeout," said Arthur Hunter, an Orleans Parish Criminal Court judge who co-founded a re-entry program at the Louisiana State Penitentiary at Angola. "Are they just sitting in a chair and looking at the wall, or is something constructive being done so they won't have to get that timeout again? It goes back to not only being tough and giving them punishment but also



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being smart as well. Re-entry is being smart. Smart is also cheaper for taxpayers.”

### ‘You can make a dent’

Almost two years in, the OPP program is too young to have generated hard statistics. Hayden estimates that about half have found jobs, but it is too soon to tell how many will end up back in prison. There are some who can’t be helped, like the four graduates who were murdered in their short time back on the streets.

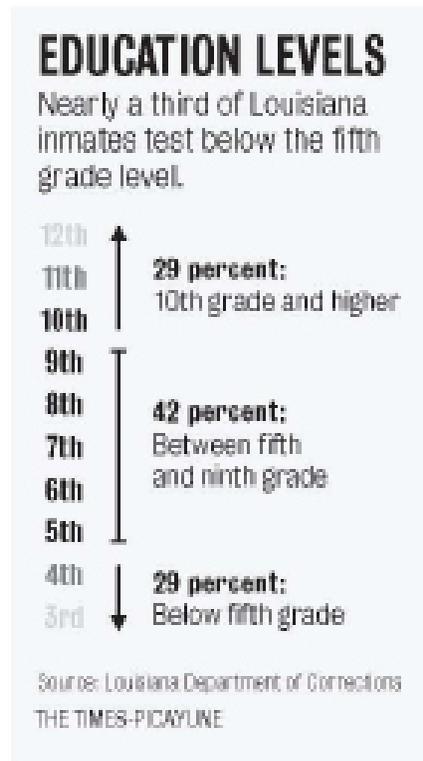
“When we lose one, it’s always a gut check, because the work becomes life and death,” Hayden said.

Hunter’s Angola program, which he started with another Orleans Parish judge, Laurie White, could be described as the Cadillac of re-entry. About 60 young men who would otherwise be doing their time at OPP have been sent to Angola to learn from reformed lifers who serve as mentors. Participants receive instruction in a trade, such as auto mechanics, plumbing or air-conditioning repair, from fellow inmates.

They are also assigned “social mentors” who know the criminal mindset and counsel the younger men on how to leave it behind. The program may eventually expand, but because of the resources required, its reach is limited.

Lafayette Parish Sheriff Mike Neustrom is one of the few Louisiana sheriffs who has made rehabilitating inmates a priority. He devotes about \$2.5 million of his annual budget to an array of educational, substance abuse and mental-health services that begin as soon as a person is sentenced. Neustrom said he believes the investment is worth it because it will ultimately result in less crime.

“The bottom line is, most of them are going to come back to Lafayette — it’s where they grew up,” he said. “If they’re better when they come back, that’s



good. That’s the hope. That’s the intent.”

Gusman, the Orleans Parish sheriff, sees Lafayette as a model, but one that may be out of reach. More than money, he needs space. His annual re-entry budget of \$500,000 could accommodate more students, but the makeshift classrooms can only hold so many at a time. The current plan for a new FEMA-funded prison calls for a drastically downsized facility that may not have much space for education programs such as re-entry. A recent move to temporary quarters doubled re-entry from 90 to 200 inmates. Others, such as violent offenders, do not qualify for the program at all, even though they, too, will soon be back on the streets of New Orleans.

“We’re doing the right thing. I think we need to do more, offer more and invest more resources,” Gusman said. “Real evil people? I don’t see them here.”

For those who work with parolees and are used to seeing the same names reappear on their rolls, the positive impact of re-entry is a given. After LeBlanc started the Dixon program, parole officers noticed a difference: A person released from

Dixon was more likely to beat the odds and turn his life around.

Many of those who end up incarcerated again have not committed new crimes but have merely violated the conditions of their parole. Staying out of trouble also includes keeping appointments, cutting ties with other convicted felons and not going near drugs or alcohol — some of the same “soft skills” emphasized in the re-entry curriculum.

“You can make a dent,” Frank Palestina, head of probation and parole for the New Orleans district, said of re-entry. “Focus on not having anything — like I said, inmate in, inmate out. I’m telling you, my first 10 years, ’91 to ’01, these people didn’t change. ... How can you change when you’re not adding any new ingredients?”

### Getting a chance

“How many of you guys truly think that you are a bad person?” Hayden asked the class.

“In other’s eyesight, there’s always going to be judgment,” one inmate responded. “The things you’ve done are always going to be there. You this, you that, you going to be there forever. I don’t feel like I’m a bad person myself, but the rest of the world is going to feel that way.”

It was the perfect lead-in to one of Hayden’s favorite maxims: “Living justly in an unjust world.” You may have been dealt a bad hand, but you need to stop blaming others and make the best of it.

“When they view us as felons, that’s when we need to be our most gracious, our most intelligent, our most committed, to dispel all those myths about us, to be the most human,” Hayden said. “They’ll give you a chance.”

Victor McGill, 42, serving time for forgery, was not content with making do. He seized on Hayden’s use of the word “chance.” Why aren’t there vocational programs in prison, so we

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J.C. Alford, center, and Jewell Hooks, right, return to their dormitory after re-entry class. Alford welcomes the program: 'All these years I've been coming back here, nobody give a damn about nobody back here.'

can learn a trade and have a better chance of becoming productive members of society? he asked.

The class applauded. Hayden explained that he is doing the best he can with limited resources. He described the bulletin board in his office, which is covered with the business cards he requests from every single person he meets — his doctor, a visiting journalist — on the off chance of procuring a job for an ex-con. Then he laid out the challenges, without sugar coating.

"The problem is, the economy is at rock bottom. I know there are college students looking for the same jobs," Hayden said. "We've got to be real creative. What's going to keep me from

DIRECTOR, ORLEANS PARISH PRISON'S RE-ENTRY PROGRAM LEO HAYDEN



"We're helping people reconnect with their humanity. If we do that, the killings will stop. People will realize that losing their freedom is not a rite of passage but a sentence to death."

hiring the college student? I don't know. We've got to figure it out and make you competitive, gentlemen, make you somebody that somebody wants to hire."

One man asked about work release — with the limited slots in the city, could they be shipped up north to gain a foothold in the workforce there? Hayden noted that most of the guys in the room were not even eligible for work release.

A morale boost arrived a few minutes later. Hayden pulled out a turquoise jumpsuit emblazoned on the back with the word

"Re-entry." He had finagled a few hundred dollars so the students could take pride in their uniforms, a cut above the usual prison orange.

"Don't forget us, Mr. Leo!" several called as Hayden left.

'Don't stop, don't give up'

As Hayden pointed out, it is a tough world for ex-cons, made even tougher by the slow economy. At the Community Service Center in Uptown, tales of woe from former prisoners are common, despite the help with housing and job placement they receive from the small non-profit. Several said they were homeless.

Elbert Best, 45, served two years for theft and aggravated



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flight from a police officer, actions he says were brought on by a substance-abuse problem. He started at LaSalle Correctional, a privately run prison near Jena, before being transferred to the custody of the Madison Parish sheriff. He says the move cost him a chance at a work-release job, which could have gotten him back on his feet. He was willing to consider relocating up north if that job had led to a permanent offer.

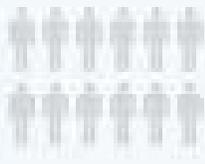
In seven months living with his mother and young daughter in Gentilly, Best sent out numerous job applications. Despite two decades of experience in the hospitality industry, he did not get a single interview, a failure he attributes in part to his criminal record. Patience and perseverance are a must. In January, he moved to Connecticut to try his luck there, and he is now employed as a restaurant cook.

“Don’t stop, don’t give up,” he said. “Even if you may have several doors closed and you’re on the brink of giving up, one of those doors might open.”

As part of a growing city-wide re-entry initiative, the New Orleans Business Council is recruiting companies willing to employ ex-offenders. But the solution is not as simple as providing jobs, said Dwayne Bernal, president of Royal Engineering, who is coordinating the Business Council effort. The thousands of former prisoners living in New Orleans also need help with housing, transportation and mental health issues, or they will revert

## GOING BACK

Half of all Louisiana inmates released from prison will be back behind bars in five years.

 On average, of 10 people released from prison in 2007 ...

 Two returned to prison in 2008

 One more returned to prison in 2009

 Another returned to prison in 2010

 2011, the fourth year, held steady

 One more will return to prison in 2012

THE TIMES-PICAYUNE

Source: Louisiana Department of Corrections

has racked up six convictions on burglary, theft and drug charges.

His re-entry instructors advised him to make a detailed game plan for his first days on the outside, and he followed it to the letter. Mock job interviews gave him confidence to face real employers. Within days, he had secured a position at a restaurant on the Riverwalk from a manager willing to give him a chance. On weekends, he waited tables. During the week, he loaded a chicken boat. He recently started a new job at a concrete plant in eastern New Orleans.

He is slowly earning back the trust he lost with his relatives, who used to hide their wallets and car keys from him. Now, he shares a car with his mother and mows her lawn in his spare time. He has a steady girlfriend, instead of splitting his time among “three or five” women.

He often recites one of Hayden’s mantras: To stay out of trouble, he must change “people, places and things.” He still keeps the journal he started while in re-entry. Recently, he returned to the prison on Broad Street, neatly dressed in a button-down shirt and jeans, not as a convict, but as an inspirational speaker for the class.

“Look at me, I’m a big old boy, I’m going to work in the morning and coming back tired,” Payton told his former cohorts. “I’m not running from the police. There ain’t nobody kicked my momma’s door in looking for me.”

to their old ways.

“You can’t distance yourself from them. They’re not on an island and you can expect them not to exist,” Bernal said. “If you don’t provide that opportunity, you will see recidivism.”

### Success story

Kevin Payton is one success story to come out of Orleans Parish Prison re-entry. At 44, he



# AN UNLIKELY MODEL OF PRISON REFORM, TEXAS PUTS MORE PEOPLE IN TREATMENT AND FEWER PEOPLE IN PRISON — CUTTING COSTS AND THE CRIME RATE

MAY 20, 2012

**By Jonathan Tilove**  
Staff writer

HUNTSVILLE, TEXAS

**O**n the eve of their release, inmates in their prison whites file silently into the churchly light of the Chapel of Hope in the Texas State Penitentiary. They slide into the pews for the “Welcome Back” program conducted by the Rev. Emmett Solomon, the former chief chaplain for the Texas prisons, who, in his soft, unhurried drawl, offers a few words of wisdom.

“Go slow. Don’t zoom.

“Be thoughtful. There are no small decisions.”

He urges them to get involved in church or civic or political groups: “Join up, and you will never be as weak as you are now.”

And, come tomorrow, go with the flow.

“They know how to do this. They’ve been releasing people here since 1850 — 1.5 million. Let them do it their way. Put on your pleasant face and let it carry you along.”

But when tomorrow comes, these men emerge from the custody of the Texas Department of Criminal Justice — as 100 or more do every weekday — like disoriented time travelers, squinting into the bright light of a decade, even a century, they have never inhabited as free men, wearing cast-off clothes and carrying their meager belongings in recycled onion sacks.

The lucky few are greeted by kin: The “Castaneda Family Reunion 2011” — as their T-shirts say — reclaiming their long-lost brother, son and lover with hugs, kisses and photographs, like the graduation that it is. A prison guard from Galveston picking up his son: a

good kid, he says, who, caught with \$100 worth of powder cocaine, took a plea bargain of five year’s probation that was quickly revoked when he missed some meetings and some payments.

The rest — the aging pedophile facing 16 years on parole, the chipper counterfeiter, the withered man with eight DWIs under his belt and a frightened look in his eyes — make their way to the mangy Greyhound bus station. They cash their \$50 in “gate money”; grab a smoke, a snack or some newer used clothes; and board a bus marked Houston or Dallas. Freedom never looked so fraught or frayed.

“The one thing we know is they make people worse,” said Solomon. Since his retirement in 1993, he has built the Restorative Justice Ministries Network, now 85,000-strong and bent on dismantling the prison system, where he had spent 30 years ministering.

But standing opposite the red brick of “The Walls,” as the Huntsville prison is called, Solomon is hardly forlorn, because here in the beating heart of the Texas prison system, he is a witness to change.

The state’s prison population has stabilized, an equilibrium made possible by fewer people — like those making their way past Solomon — sent to prison in the first place or sent back for violations, often minor.

Texas accomplished this through an expansion of treatment and diversion programs and through sanctions short of incarceration for probationers and parolees who make mistakes — two-thirds of the prison admissions. These changes have saved the state money and spared many the life-damaging experience of imprisonment.

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Gregory Green Jr., 26, reunites with his mother, Darlene Green of New Orleans, and sister G.G. Green in September, after his release from Huntsville. He spent three years in Texas prisons for violating probation for drugs, the type of offense that might now trigger a treatment program rather than a prison term.

Since 1997, the last year Texas' incarceration rate exceeded Louisiana's, the Texas rate has declined by nearly 10 percent while Louisiana's has soared by almost a third.

Most telling, Texas did something last summer it had never done before: close a prison.

"All of this is changing the mentality of the criminal justice apparatus," Solomon said. "They're seeing that people don't necessarily want us to lock them up and throw away the key. They want us to be smart on crime because we know what works and what doesn't from empirical evidence the last 10 years."

The state that burned its brand on the "lock-'em-up" age of American corrections has become the unlikely champion of "smart on crime" penal reform, extolled across the ideological spectrum and emulated in one state after another. It is the obvious prototype should Louisiana

— so long the Lone Star State's soulmate on matters of crime and punishment — bristle at being the buckle on the incarceration belt.

It is a story of leadership, of a remarkable synergy between the interests of right and left, and of a fiscal crisis in which it was cheaper to invest in keeping people out of prison than to build new prisons to keep them in.

It may be that Louisiana's predicament is so peculiar that the lessons of Texas are largely lost on it. No other state has a system in which so many prisoners are kept by local jailers with the financial incentive and the political clout to maintain the status quo.

But "if they want a model, it's right next door," said Dallas District Court Judge John Creuzot, a New Orleans native who presides over a court that enables first-time drug offenders to escape a criminal record if they complete the program.

"It's not a badge of honor to incarcerate more people than anybody else," said Creuzot, who has emerged as a leading apostle of the Texas reform agenda.

"Texas is the beacon of hope, no doubt about it, and no reason that Louisiana can't follow that model," said Will Harrell, a leading figure in the reform effort as former head of the American Civil Liberties Union of Texas and ombudsman for the state's juvenile justice system, who now lives in New Orleans. Harrell is referring not just to what Texas did but how it found the will and the way to do it, how what for so long appeared the most intractable issue gave way to consensus that cut across partisan, ideological and racial lines.

#### **Reform gets results**

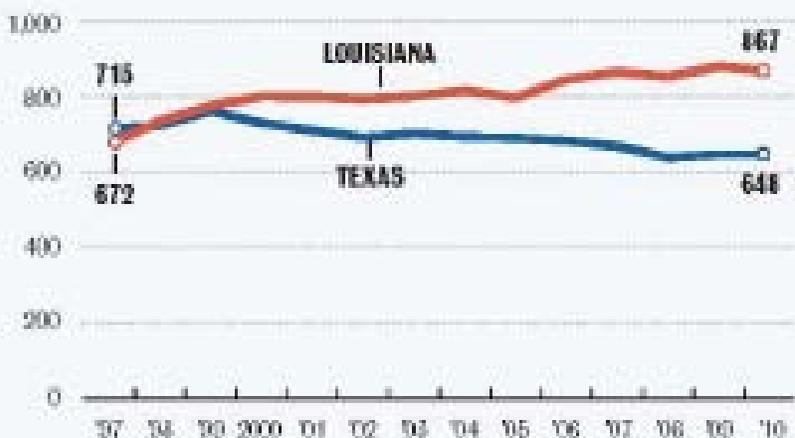
Five years ago — already spending nearly \$3 billion a year on prisons, probation and parole — Texas faced the prospect of having to spend \$2 billion to build

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## OVERTAKING TEXAS

Since 1997, Texas' incarceration rate has declined by nearly 10 percent, while Louisiana's has soared by almost a third.

### INCARCERATION RATE, PER 100,000 RESIDENTS



Source: Bureau of Justice Statistics

THE TIMES-PICAYUNE

and operate new prisons to meet the projected demand that would require 17,000 new beds by 2012.

Instead, the Texas Legislature, guided by state Sen. John Whitmire, a wily, tightly coiled Houston Democrat who earned his spurs riding herd on what he calls the “prison boys,” and Rep. Jerry Madden, a genial Republican insurance man from Plano, enacted an overhaul package that invested \$241 million in treatment programs and diversion options. Gov. Rick Perry, who the previous session had vetoed a package crafted by the same two legislators, signed it into law.

The result: Texas saved money, the incarceration rate is down, probation and parole revocations are down, the prison population has remained stable, recidivism has been declining, the crime rate continues to tumble to historic lows, and instead of building new prisons at more than \$300 million a pop, they were able to

shutter the century-old Sugar Land Central Unit.

The Central Unit was an easy mark: creaky, costly and occupying coveted real estate in a plush Houston suburb where million-dollar homeowners won't miss the highway signs warning motorists not to pick up hitchhikers.

Any talk of Texas as a paragon of prison reform invites snide comments crediting capital punishment — a Texas forte exclusively executed within The Walls — with curbing the inmate population. Texas still has more prisoners than any other state, more than all the states of the Northeast combined, and the fourth-highest incarceration rate in the nation, tied with Alabama, behind Louisiana, Mississippi and Oklahoma.

“It's more that Texas has taken a foot off the gas pedal than changing direction or putting a foot on the brake,” said Robert Perkinson, author of “Texas

Tough: The Rise of America's Prison Empire.”

The changes in Texas are neither novel nor unique. One state after another, including most of its Southern sisters, are working to reduce their prison populations.

What sets Texas apart, and makes its example so influential, is that it has, because of its size, been able to demonstrate results on an impressive scale — and without shedding its fearsome reputation for punishment.

“Nobody can say Texas is not tough on crime; no one says that's the reason Texas is now seen as a model,” said Ana Yanez-Correa, who, as executive director of the Texas Criminal Justice Coalition, has honed her social justice advocacy into that of a measured and widely respected voice in the Capitol. “I think any state can do it.”

Or, to quote Whitmire, the

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Democratic state senator: “I’m not the smartest guy on block, by far, flunked the first grade as far as that goes, but the bottom line is this ain’t rocket-science stuff.”

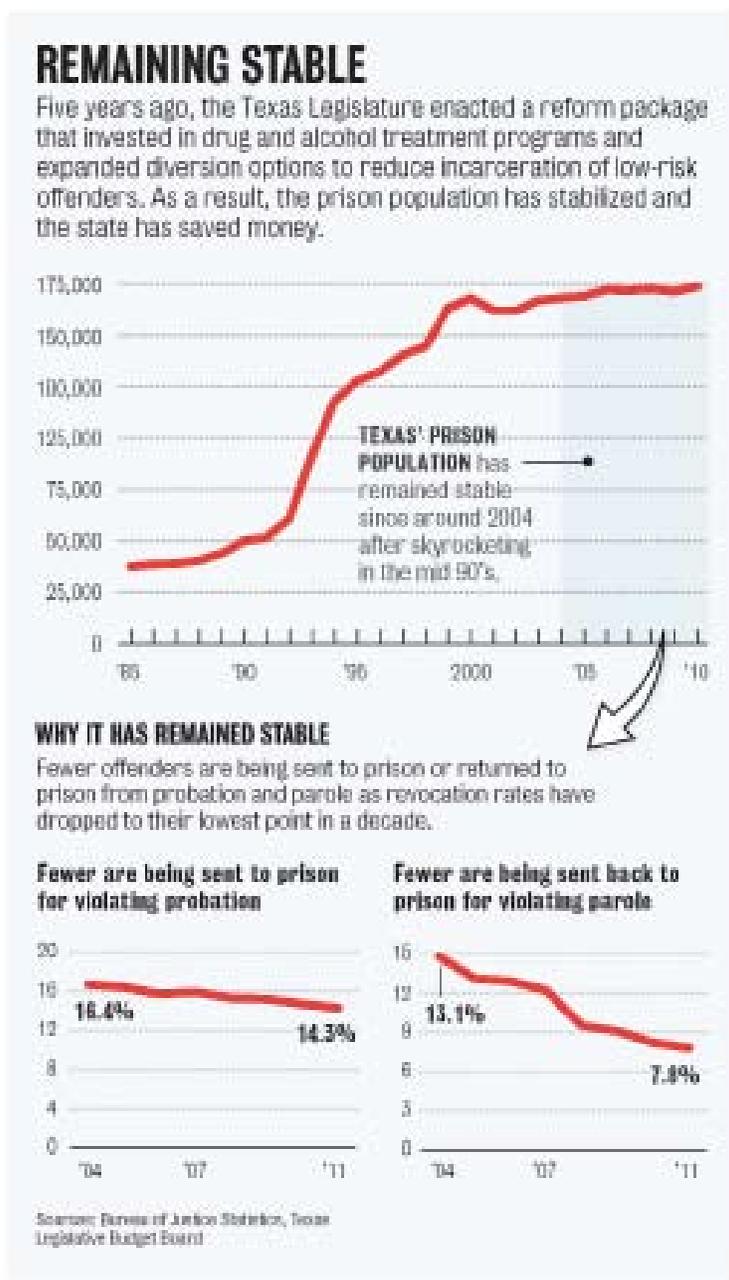
Perhaps, but, like Nixon to China, criminal justice overhaul is most effectively championed by tough-on-crime conservatives.

“You’ve got to establish your credentials for being tough. I talk about asking a masked guy not to shoot me and my family,” said Whitmire, referring to a harrowing experience being robbed by a crackhead at gunpoint along with his wife and 9-year-old daughter in the garage of their Houston home in 1992.

Last September, when one of the men responsible for the dragging death of James Byrd in Jasper ordered a smorgasbord of Texas cooking for his last meal, only to lose his appetite and not eat a bite, it was Whitmire who dashed off a letter the next day to Brad Livingston, the head of the prison system, demanding a stop to letting the condemned choose their last meal, a privilege they “did not provide to their victim.” Livingston quickly complied.

#### ‘Right on crime’

For at least the past half century, criminal justice policy in America was a prisoner of fear, the citizenry’s fear of crime and the politicians’ fear of being seen as soft on crime. From Nixon’s law-and-order campaign to the war on drugs to Willie Horton, it was the sharpest shiv in the



Republican arsenal, leaving Democrats to bleed or exceed.

Texas set the pace. In the 1980s and 1990s, under both Democratic Gov. Ann Richards and Republican Gov. George W. Bush, the state embarked on the largest prison-building binge in the history of the free world, creating 100,000 new prison beds and quadrupling its inmate population.

“We tried locking everybody up,” Whitmire said.

But in the past several years, with the crime rate dropping, Democrats left for dead, and money dear, Republicans began rethinking their top dogma — building prisons or cutting taxes? Revisionists on the right came to view prisons as Big Government at its

biggest, most intrusive and most expensive.

“We need a criminal justice system that supports self-government and freedom and markets and love your neighbor, and all the things we say we care about,” said Tim Dunn, a Midland oil man and vice chairman of the Texas Public Policy Foundation, an influential conservative think tank. Dunn persuaded the foundation in 2005 to launch the Center for Effective Justice and hire Marc Levin, a cheerfully wonkish movement conservative who began churning out position papers. Levin created a national presence for an approach that came to be known as “right on crime” and, in Austin, became the yang to Yanez-Correa’s yin — ideological opposites who on these issues spoke with a single voice.

It was also in 2005 that Tom Craddick of Midland, the first Republican House speaker since Reconstruction, named Madden to head the Corrections Committee.

“He said, ‘Don’t build new prisons; they cost too much.’ Those are the eight words that changed my life,” said Madden, who in November announced that he will not seek an 11th term to devote himself to proselytizing nationally on these issues.

A West Point-trained engineer, Madden sought to reduce the number of people entering prison by giving judges, prosecutors, probation and parole officers a deeper, broader range of treatment and punishment options for nonviolent offenders, enlisting

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the help of Levin and Yanez-Correa in crafting a plan that ultimately won near-unanimous support in the Legislature.

Nearly as impressive, it survived the budget cutting of the last session mostly intact.

The effort has its skeptics, like John Bradley, the district attorney in Williamson County, who has emerged as its most outspoken critic in Austin.

“I have no doubt that they will not sustain it,” said Bradley, who once served as Whitmire’s general counsel. “I know the public support for funding of incarceration has been steady and strong for over 100 years, whereas the public understanding, acceptance and support for programs that supposedly reform are very ambivalent.”

But Rep. Charles Perry, a tea-party-backed freshman from Lubbock who arrived in Austin as part of huge new Republican class with “lock ‘em up” in his heart, was, on his appointment to the Corrections Committee, a quick convert to the new regime.

“We can all agree that we’d like to lock up every guy that doesn’t abide by our laws, but that’s not realistic. And I think that’s where Texas tried to strike a balance and been successful in finding a balance. We have interjected, if you will, common sense,” Perry said. “I would think that with (Louisiana Gov. Bobby) Jindal over there, our kinds of reforms would be warmly received. You don’t have to reinvent the wheel.”

But, he cautions, “you’ve got to have leadership, a visionary, someone that’s willing to start over and not afraid to be bold with those initiatives.”

#### **Probation as opportunity**

The key, Whitmire said, is to recognize that parolees and probationers “are going to have a bad day ... are not going to show up sometimes, or show up and not have money for fees, and some days might even show up dirty for drugs. In the past, those guys were routinely revoked and sent back to prison. It was nuts;

it was driving our population.”

Now, he said, “we’re not going to use one of our valuable prison beds. We’re going to send you to an intermediate sanction facility for a little attitude adjustment, a little jail therapy to give you chance to demonstrate that you just had a bad day.”

In 2005, Geraldine Nagy took over as head of the Travis County Probation Department, with the ambition to create a national model.

“I just wanted to show that probation could work — that it could reduce recidivism and that it could reduce costs, hand in hand,” Nagy said.

She streamlined and improved the interviewing of probationers, scrapped the rambling narratives probation officers labored to prepare in favor of crisp, color-coded diagnostic matrices that provided judges and prosecutors with better, clearer information about a probationer’s risk factors and criminal tendencies. She put an end to the “false fairness” of treating all probationers the same, realizing that paying too much attention to those at the least risk could be as counterproductive as paying too little attention to those at highest risk.

Nagy said she took over a department that “was very good at what they were doing, but they had a very limited mission and that was to make sure if somebody messed up on probation they were taken back to court and sanctioned. That’s not my vision of probation. My vision of probation is broader than that. It’s also to use probation as a window of opportunity to change a person’s life.”

Like that of Antoine Patton.

When Patton, now 32, was arrested on marijuana charges in Austin in 2010, he already had two strikes against him.

At 18 he had been arrested on crack charges and served 14 months in a state jail. He didn’t get any treatment there. “I was finding other people to mess around with,” he said. “As soon I got out, I was right back in trouble.” Another crack arrest,

another 10-month stretch, this time in a federal prison.

No treatment there either, but “seeing people get a lot of time woke me up a bit.”

He stopped selling crack, he said, and started selling pot.

“I stayed out of jail, but I wasn’t exactly acting right,” Patton said.

After his 2010 arrest, Travis County Probation recommended sending Patton to the county’s 20-week Smart residential substance-abuse treatment facility as a last chance before a third trip to prison.

“The view of the Probation Department was, if he just goes back to prison it won’t change his behavior. But if you can make him change, we can see if we can get him out of the criminal justice system,” said Paul Ellis, the senior probation officer at the Smart program. They saw Patton as at a point in his life where he might be ready to grow up. But they also identified him as a “limit-setter,” someone to keep a close eye and tight rein on.

“I can see the reason why they would want to watch me,” Patton said. “I made a mistake right after I was released each time.”

Smart worked on his drug problem, his attitudes and his values. He had courses in parenting and problem solving, job hunting and basic social skills — “stuff you think you’d already have.”

“I learned stress management,” he said. “I learned to stop and think.”

He’s now back home with his wife, 12-year-old and 6-year-old daughters, helping them with homework, dropping them off and picking them up from school. He just had a job interview — a first.

“I definitely feel like it’s going to stick,” Patton said. “I feel like I’m on the right path.”

Between fiscal 2005 and 2011, felony revocations in Travis County fell by nearly 30 percent.

“It’s the only business I know where we don’t want repeat customers,” Ellis said.

Except, of course, in Louisiana.

## HOUSTON STOPS HELPING LOUISIANA FILL BEDS IN ITS FOR-PROFIT PRISONS

By Jonathan Tilove  
Staff writer

HOUSTON

For five years, the mighty Harris County Jail in Houston and the mundane LaSalle Correctional Center, 238 miles away in Louisiana, carried on a long-distance relationship built on mutual dependency.

The Texas jail, the third-largest in the United States after those in Chicago and Los Angeles, was bursting at the seams. It had the federal Justice Department looking over its shoulder, and it was under enormous pressure to reduce overcrowding. In 2007, the county's voters had, by a narrow margin, nixed construction of a new jail. It desperately needed places to send more than a thousand prisoners it could no longer legally and safely accommodate.

The 750-bed LaSalle Correctional Center in Olla, 40 miles north of Alexandria, sits in the middle of nowhere looking for all the world like a warehouse. It is one of 12 correctional centers in Louisiana and Texas run by LaSalle Corrections, a Louisiana-based for-profit prison chain that always needs bodies to fill its beds and can provide them at a very competitive price — pickup and delivery included.

So it was that every Sunday the LaSalle bus with bars on the windows would drive five hours from Olla to Houston to swap prisoners whose time was up for a fresh batch with time to serve.

"We didn't have any problems," said LaSalle Warden Jeff Windham, a former chief deputy of the LaSalle Parish Sheriff's Office. "Everything went fine."

Until the end of last year, when it all abruptly ended.

The relationship didn't end because of anything LaSalle did

wrong. It ended because of something Harris County did right.

The jail population in Harris County had dropped 31 percent in three years, and Sheriff Adrian Garcia, elected in 2008, announced he wouldn't be sending prisoners to Louisiana anymore, not to Olla and not to its other partner, an even further-flung private prison, the West Carroll Detention Center some seven hours from Houston in Epps.

Between them, Olla and Epps — the latter one of a half-dozen detention centers run by the Emerald Prison Enterprises, another Louisiana-based outfit with facilities in Texas, Arizona and New Mexico as well as Louisiana — had held as many as 1,200 of their inmates at a time, according to Harris County. But by the end of 2011, the average daily population of the Harris County Jail, which had once climbed above 12,000, had fallen below its capacity of 9,434 to 8,573 inmates.

For Olla and Epps, the breakup was tough.

"We'll recoup, but it hit us pretty hard when they left," Windham said.

But for Harris County, the outcome confirmed that innovative efforts to reduce its population and curb recidivism were paying off. "It's been more successful than we anticipated," Garcia said. And it showed what can happen when a jail's bottom line is to reduce occupancy, not maintain it.

### Crisis intervention

While the lockups in Olla and Epps are private facilities — paying annual sponsorship fees of \$120,000 to LaSalle Parish and as much as \$200,000 to the town of Epps — Louisiana's local prisons operate on the same business

model, making money off each bed they fill: The more inmates and the less they spend on each of them the better.

It is no coincidence that Louisiana has both the highest incarceration rate and the lowest per-capita spending on inmates in the nation.

But in Harris County — its 4.1 million population nearly equals Louisiana's — the Sheriff's Office consumes a third of the budget in a county reliant on diminishing property-tax receipts. Spending \$30 million, as it had the past two years, to stash prisoners in Louisiana and elsewhere in Texas, no matter how cheap the per diem, was untenable.

The biggest single factor in the drop in the Harris County Jail population was a decision not by Garcia, a Democrat, but by District Attorney Pay Lykos, a Republican, who also was elected in 2008.

Beginning in January 2010, the Harris County district attorney's office stopped bringing felony charges against those arrested with crack pipes or other drug paraphernalia that contained trace amounts — less than one-hundredth of a gram — of drug residue, not even enough to allow the defense to do its own independent testing. That alone meant that on any given day, there were 400 fewer inmates in the jail.

Meanwhile, with roughly a quarter of the jail population exhibiting some kind of mental-health problem requiring psychotropic medication, the county created a crisis-intervention team to respond to police calls when mental illness seemed a likely part of the mix and treatment might be more appropriate than jail.

Garcia doubled the number of chaplains in the jail from 100 to 200, mostly volunteers, and instituted a new earned early-release program for nonviolent offenders



The West Carroll Detention Center in Epps is run by a private firm, Emerald Prison Enterprises, that pays as much as \$200,000 annually to the town of Epps. Louisiana's local prisons make money off each bed they fill: The more inmates and the less they spend on each of them the better.

actively participating in an educational or vocational program.

“What’s ground breaking about this is that we’re doing it in a jail setting as opposed to a prison,” said Wayne Heintze, director of chaplaincy services for the jail, where the average stay is only a month and no one is serving longer than a year. “These are short-time folks. However, the recidivism is there. They do come back. If you look at the raw data, about 80 percent of the folks we have come in, over the course of the next three years, will come back. Now some studies have shown that if you plug them into a program, plug them into a church, plug them into a job, into education — whatever it takes to plug them back into society — that number drops you to about 15 percent. There’s a huge percent for us to capture there.”

#### **‘It opened my eyes’**

Jesus Gonzalez was “captured” while awaiting trial on what he

considered bogus drug charges.

“I was going to the library and I seen some officers handing out fliers: ‘You interested in taking a course?’ There were several choices,” Gonzalez said. The one on auto repair caught his eye. “I used to help my uncle; I have a little knowledge of that. Let me get into that. I was waiting to go on trial, fighting my case, but I just enrolled in the class, trying to learn as much as I could while I was there.

“It opened my eyes to a lot of new materials, different kinds of paints, how to refurbish headlights, lots of things,” he said of the course taught by Gustavo Gomez, an instructor from Houston Community College.

Ultimately, nearing a year locked up, Gonzalez relented and pleaded out in exchange for time served. After his release, he was able to use his training to get work at the Port of Houston, touching up Volkswagens that arrive at the port before they are

sent off to dealerships around the country.

Gonzalez said that before his time in jail, “I had veered off, not doing much of nothing positive. I was a functioning addict, doing odd jobs here and there and playing around with alcohol, drugs, dealing with the devil. I got in trouble. I’ve been running from the Lord.”

But now, he said, pushing 50 with a grown daughter and grandchildren, “I’m putting the foolish things behind me. I’ve grown up mentally. I want to see my grandkids grow up, and I want to take them fishing. It’s time to make up for the things I did not do.”

Gonzalez thanks God, and he thanks Gomez.

Back in Olla, Warden Windham said, “We’re just trying to build back up with DOC (Louisiana Department of Corrections) inmates.” Jefferson Parish, he said, can always be counted on to provide a steady supply.