



Calcasieu Parish Public Defenders' Office

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FOR IMMEDIATE RELEASE

DEPOPULATING JAILS AND THE FIERCE URGENCY OF NOW

When Dr. Martin Luther King, Jr. spoke at the March on Washington he said, “We are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history, there ‘is’ such a thing as being too late. This is no time for apathy or complacency. This is a time for vigorous and positive action.”

Those words uttered over fifty years ago have renewed meaning for all of us. We are facing a world-wide pandemic that has no precedent in living memory. COVID-19 is ravaging Louisiana with numbers of confirmed cases and deaths increasing at alarming rates, in some cases doubling overnight. Our state has more COVID-19 deaths per capita than anywhere in the country and our hospitals are being overwhelmed with the number of patients being admitted as well as a critical lack of available ICU beds and ventilators.

We also incarcerate more people, both pre-trial and post-sentencing, than any state in the nation.

As a recent article published by The Atlantic explained: “A COVID-19 outbreak in a jail first harms the men or women locked up there, innocent and guilty alike, then staff and their families, then, ultimately, the public. Prisoners with serious symptoms wind up in the local hospitals, worsening shortages of doctors, nurses, masks, ICU beds, and ventilators. People who have never seen a city jail could die because too many others were kept in one. Sprawling state prisons in rural areas could flood tiny country hospitals with patients.”

The entire public defense community takes community safety very seriously. We have submitted to the judges and the District Attorney’s office approximately 250 people for judicial release consideration; none of them are charged with crimes of violence, sex offenses, or serious domestic violence offenses. Rather, the overwhelming majority of these persons are accused of committing drug offenses and the remainder are charged with other non-violent offenses such as theft and property crimes. They are being held in jail, all too often, because they simply cannot afford to pay a bond company 12% of bond amounts that are, on average, \$5,000. In other words,

they cannot afford to pay \$600 in order to secure their release. In many other cases, people cannot afford to pay the \$30 processing fee for a release on recognizance bond. Because these people, presumed innocent, cannot afford a relatively low bond or even a processing fee, they remain in jail where they are at high risk of contracting a virus that has no cure and subjects its victims to an excruciating death.

Philadelphia District Attorney Larry Krasner said in a recent press release: "Safe and swift depopulation of our parish jail will enable those who become ill to be treated and appropriately isolated; mitigate panic-fueled staff attrition and prisoner violence; and enable the criminal justice system to be full partners in flattening the curve, so that infections are minimized and we may once again resume normal activities." Cite

It is for these reasons that we have been working so hard, in conjunction with the District Attorney's office and the Fourteenth Judicial District Court judges, to reduce our jail population, which at this point is larger than that of East Baton Rouge and Orleans Parish. It was only after our initial efforts failed to reduce the jail population by any significant number, that we heeded and swiftly acted upon Louisiana Supreme Court Chief Justice Johnson's observation that "these challenging times will undoubtedly involve novel legal solutions."

Our actions included filing a motion for *en banc* hearing and submitting a spreadsheet containing the names of every person we could identify on the jail roster that were charged with non-violent offenses. We did not consider whether we were officially appointed to them or not because that technical detail is irrelevant. We contacted the Department of Corrections to obtain relief for those with parole holds or are serving sentences and are within a year of release. We have remained in contact with our judges, the District Attorney's office, and the Department of Corrections.

As Dr. King rightly noted, there is such a thing as being too late. We are quickly approaching the time when any action will be futile because the virus will have taken hold in our parish jail. We call on all members of the criminal justice system to acknowledge the fierce urgency of now by abandoning complacency and work with us to effect vigorous and positive action. All of our lives depend on the actions we take during this unprecedented crisis. Tomorrow is today and the clock is ticking.



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The Calcasieu Parish Public Defenders' Office – 14th Judicial District is a client-centered and client-driven legal services program. The office is dedicated to the support, vindication, and advocacy of the Right to Counsel. The office focuses upon what is best for our clients, including the implementation of best practices of reform, supervision, and the ever-expanding visions of the public defender profession while maintaining a firm commitment to fiscal responsibility. This office respects all parties and professionals in the Criminal Justice System and strives to develop and maintain productive relationships while fulfilling our ethical duty to zealously represent each and every one of our clients.