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New Orleans City Council action on new jail in doubt after sheriff's criticism

Published: Friday, January 28, 2011, 11:45 PM



By **Katy Reckdahl, The Times-Picayune**

In the wake of a **highly critical four-page letter** that Orleans Parish Sheriff **Marlin Gusman** sent to **City Council** members Thursday, it is unclear whether the council is ready to approve an ordinance authorizing construction of a new jail.



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Michael DeMocker, The Times-Picayune archive

Orleans Parish Criminal Sheriff Marlin Gusman showed off the holding cells during a tour of the newly reopened Orleans Parish Prison in 2009.

The council could vote Thursday on the ordinance, which gives Gusman the green light to build a 1,438-bed jail but would also require him, once the new building opens, to close all the temporary tents and buildings he's now using to house inmates.

The ordinance, sponsored by Councilwoman Stacy Head with the support of Mayor **Mitch Landrieu's** administration, reflects the recommendations of a task force Landrieu appointed last year to study how large a jail the city needs.

The city's prison system now has about 3,550 beds, and Gusman early last year

presented a proposal for a new prison that he said would have 4,300.

Both Gusman and Head, whose district includes the Orleans Parish Prison site, are members of the task force.

Gusman's letter called for eliminating or revising many of the provisos included in the ordinance. It strongly suggested that the sheriff continues to believe he needs more beds than the task force recommended, though it did not list a specific figure.

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In light of Gusman's letter, Head asked the task force Friday whether she still has its solid support for the ordinance. "I really need to know the will of the group," Head said.

Often, council members will defer voting on an ordinance if one or more members or other key officials say they have problems with it.

In this case, though, Gusman's opposition to the task force's final recommendations was no secret. He was on the losing side of a 9-3 vote late last year, saying he objected to the requirement that he mothball all his other buildings once the new 1,438-bed jail opens. "I can't commit to the community that this is what I would do by the end of 2012," he said then.

Correctional expert cited

Councilwoman Susan Guidry, also a member of the task force, tried to nail down Friday exactly what Gusman was asking in his letter. "Sheriff, you voted against the group's resolution. And your letter states that you're still against those provisions?" she said.

Gusman confirmed that, noting that he thinks the task force's conclusions conflicted with the recommendations of a nationally known correctional expert, James Austin, hired by the city.

Austin told the task force in November that implementation of a pretrial services program and the removal of most state prisoners could reduce the need for prison beds to 2,017 by 2020. However, Austin and the nonprofit Vera Institute later decided that with further policy changes, a jail with between 1,400 and 1,500 beds could house all of the city's inmates.

Gusman told the group Friday that most of his letter concerns provisos that the City Planning Commission recommended and that are included in the ordinance before the council.

"We have to comply with 25 provisos, and some we can't comply with," he said. "But I think we can work out those provisos and move forward."

Councilman Jon Johnson said Friday that he will give "weighty consideration" to Gusman's views, though he's "not prepared to give him carte blanche." He said Gusman is in the best position to know what facilities he needs, "and I'm inclined to listen to the sheriff and his requests."

Council President Arnie Fielkow, Councilwoman Cynthia Hedge-Morrell and Guidry declined to comment on

Gusman's letter, saying they were not prepared to discuss it.

Head said she is prepared to bring the issue up for a vote Thursday, unless the Landrieu administration or most of her colleagues ask her to defer it.

'Our work is not done'

Among other things, Gusman's letter criticizes proposed requirements for shrubbery, enlarged windows, resubdividing the jail site and avoiding encroachments on the Poydras Street right of way.

But after the meeting, Gusman said his real concern is that he doesn't want to have to turn away inmates because of a lack of beds. "I don't want to be that sheriff," he said.

As the result of new police practices such as issuing summonses rather than making arrests for many infractions, the jail's local inmate population has fallen from 2,200 in July to 1,800 this month.

But Gusman said other proposed changes in the criminal justice system could push the inmate population back up, and he's not convinced that other hoped-for reforms will be implemented by the time the new building is complete.

"My wish is for us to be the safest community in America. But we're not going to wish our way there," he said.

Audience member Titus Lin said Gusman has been murky about just how large a jail he wants. "If the sheriff doesn't make a decision about where this conversation is going, we're back to square one," he said.

Andy Kopplin, the city's chief administrative officer and chairman of the task force, said the group was continuing to meet to debate just those issues.

"This group voted twice last (year) to move forward based on Dr. Austin's analysis," Kopplin said. But at the same time, he said, it decided that one of the topics that needed further discussion was whether the sheriff would need more than 1,438 beds.

"Let me be clear: Our work is not done," Kopplin said.

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