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NOW

BGR's Spotlight on Local Government Issues

BGR Supports Review of Design and Cost Concerns for Planned Jail Facility

The decade-long saga of developing a mental health and medical services facility at the Orleans Parish jail appears to be coming to a head. On July 17, a federal court plans to consider a motion by the Orleans Parish Sheriff to stop that project from moving forward as proposed. The Sheriff has criticized its design and wants to pursue a different approach to providing the services. Meanwhile, the New Orleans City Council, which must find the money to pay for the current facility proposal, has asked the court to allow a financial review of its rapidly rising costs, now estimated at \$109 million.

BGR has no position on either the Sheriff's motion or alternative facility concept. We also recognize the importance of making progress on reforms to improve the jail's mental health and medical care. However, the design and cost concerns surrounding the current facility plans deserve further review to ensure the wellbeing of incarcerated persons and the effective use of public funds. Thus, BGR suggests the court consider creating a process to vet these concerns and identify solutions as needed.

BACKGROUND

In 2013, a federal judge approved a lawsuit settlement, or consent decree, to remedy unconstitutional conditions at the New Orleans jail.¹ The consent decree requires 174 specific improvements that the Sheriff must make to comply with constitutional standards. Among the most important mandates are those

involving the provision of mental health and medical services to incarcerated persons.²

Shortly before the consent decree was finalized, it came to the court's attention that the new jail under construction to replace the deteriorating, outmoded jail facilities damaged in the Hurricane Katrina disaster lacked designated space for housing and treating persons with acute and sub-acute mental health needs.³ The court ordered the Sheriff and the City to fix that deficiency, which led to significant study but no agreement on a path forward. In 2016, the court directed its newly appointed compliance director for the jail to evaluate the options and select a long-term solution.

In early 2017, the compliance director submitted a conceptual plan for an 89-bed facility, known as "Phase III." The plan specifies separate, secure treatment areas for men and women, an infirmary, laundry, and areas for counseling and family and attorney visitation. The plan also provides for elevated walkways to connect to the main jail building, called the Orleans Justice Center, and the kitchen and warehouse facility on the other side, as illustrated on the next page.

The City, the former Sheriff and other parties to the litigation agreed to implement the Phase III facility plan.⁴ The City, rather than the Sheriff, is responsible for building the facility. The City proceeded with the design of the building until June 2020, when the current City administration that took office in 2018 stopped the project and asked the court to allow it to retrofit the second floor of the main jail building

instead. The court rejected that option, and the City recently has taken steps to finalize a construction contract for the Phase III facility.

In June 2023, the current Sheriff, who took office in May 2022, filed a motion seeking to reverse court orders requiring the City of New Orleans to comply with the agreement to build the facility.⁵ A federal judge overseeing the consent decree has scheduled a July 17 hearing on the motion.

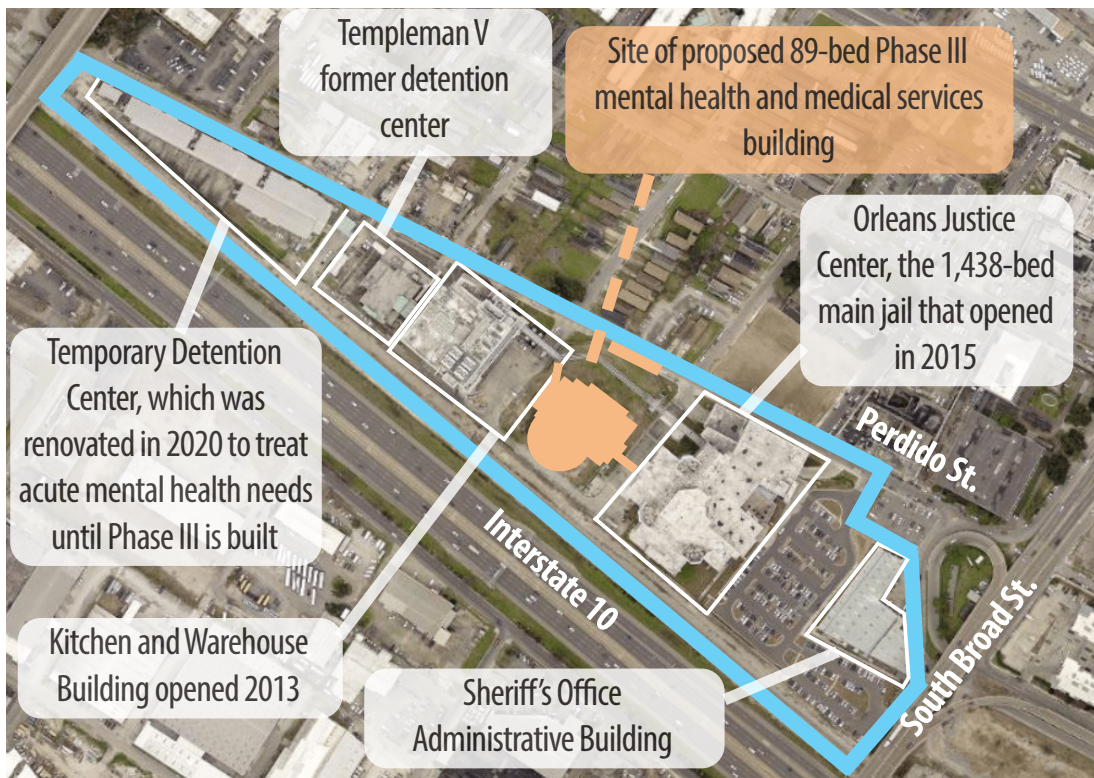
DESIGN AND COST CONCERNS

In a June 21 letter to the court, the Sheriff’s Office contends the proposed Phase III facility has significant design flaws and is far too costly.⁶ The office said the panopticon, or circular, arrangement of jail cells with glass fronts, all facing a security station, can disturb people with serious mental health issues because they feel constantly watched by jail staff and other incarcerated persons. The office also cited the heavy reliance on double-occupancy cells in the proposed Phase III facility as potentially problematic for ensuring patient safety. In their recent report, which stressed the importance of the facility for achieving

the mental and medical health goals of the consent decree, court-appointed monitors affirmed their view that the majority of people with acute mental illnesses should be held in single-person cells and called for this to be factored into the operational capacity of Phase III.⁷ Adding to these concerns, the Sheriff’s Office has experienced problems with certain design elements of the main jail facility, such as cell doors and mezzanine railings, that have created safety risks and will require renovations.⁸ Moreover, the office’s concerns have not been the only ones raised about the proposed Phase III facility. In 2018, a City consultant identified spaces in its design that it viewed as either too large or not necessary.⁹

The Sheriff’s Office is seeking an alternative to that facility that would renovate part of the Temporary Detention Center, which now houses persons with acute mental health needs, to add single-bed cells for treating those with sub-acute needs, and renovate part of the main jail for an infirmary and counseling and visitation areas. The office contends its alternative would cost about \$14 million compared to the City’s estimate of \$109 million for the proposed Phase III facility.¹⁰

ORLEANS JUSTICE CENTER AND SUPPORTING FACILITIES



BGR analysis using an aerial map obtained from City of New Orleans Property Viewer, <https://property.nola.gov/>

Meanwhile, on June 22, the City Council asked the court to allow a financial review of steep cost increases in the Phase III project.¹¹ Less than two years ago, the City’s cost estimate approximated \$51 million.¹² Now, after two rounds of public bids this year yielded only a single bidder, the projected cost has more than doubled. The \$109 million estimate exceeds the funds the City has allocated to the project, which include \$41 million from FEMA and \$30 million in City funds diverted from other capital projects, including parks, libraries, City buildings and public safety facilities.¹³ That leaves \$38 million that the City must find from other sources, possibly at the expense of other planned capital projects.

Improving medical services has been a key focus of the consent decree that mandates sweeping reforms to improve conditions at the jail, which has been under federal oversight or investigation for more than 50 years. The federal court has remained steadfast in its commitment to remedying the historic insufficiency of mental health and medical services. It views the planned Phase III facility as essential to that effort.¹⁴

BGR recognizes the difficulty the court faces in crafting any solution to improve the jail’s perfor-

mance, considering the long history of disagreements between the Sheriff, who operates the jail, and the City, which provides its funding. In August 2022, BGR issued a report entitled [Keys to the Jail](#) that links the jail’s chronic problems to an unusual governance structure or division of responsibilities between the City and Sheriff’s Office that leaves neither fully accountable for the jail’s performance. The report calls for the two entities to develop a strategic plan to identify and meet the jail’s needs, including providing adequate medical care to incarcerated persons.

BGR has not analyzed the Phase III alternative suggested by the Sheriff. And BGR has no position on the legal motion submitted by the Sheriff to reverse the court’s orders to build the proposed Phase III facility. However, because this facility will shape the future performance of the jail and its outcomes for incarcerated persons and taxpayers for decades to come, BGR suggests the court consider creating a process to vet the Phase III design and cost concerns raised by the Sheriff and City Council and identify solutions as needed. Such a review is necessary to ensure the safety and security of those in custody and the effective use of City funds.

ENDNOTES

- 1 Order Approving Consent Judgment and Certifying Settlement Class, *Jones v. Gusman*, No. 12-859 (E.D. La. June 6, 2013). For more information on the consent decree, see Bureau of Governmental Research, [Keys to the Jail: How New Orleans Can Sustain Jail Reforms through Better Governance](#), August 2022, p. 17.
- 2 In this report, BGR uses the terms “incarcerated persons” and “people in custody” to refer to the New Orleans jail population, which consists primarily of detainees who are awaiting trial or sentencing but also includes some state prisoners who have been sentenced. As of July 3, the Sheriff’s Office reports a total jail population of 1,091 in all facilities.
- 3 Report and Recommendations, *Jones v. Gusman*, No. 12-859 (E.D. La. December 7, 2020), p. 6.
- 4 *Ibid.*, p. 15. The other parties include the plaintiff class and the U.S. Department of Justice.
- 5 Orleans Parish Sheriff’s Motion to Terminate All Orders Regarding the Construction of the Phase III Jail, *Jones v. Gusman*, No. 12-859 (E.D. La. June 26, 2023).
- 6 Letter from Orleans Parish Sheriff Susan Hutson to the Hon. Judge Lance M. Africk, *Jones v. Gusman*, No. 12-859 (E.D. La. June 21, 2023).
- 7 Report No. 17 of the Independent Monitors, *Jones v. Gusman*, No. 12-859 (E.D. La. July 5, 2023), p. 17.

- 8 The Sheriff’s Office highlighted the need for physical safety and security improvements during its spring 2023 millage proposal, which voters rejected. See Bureau of Governmental Research, [On the Ballot: Orleans Parish Sheriff’s Office Tax, April 29, 2023](#), pp. 12-13.
- 9 Hill International, Inc., Review of Grace Hebert Estimate and Design Development Drawings for OJC Medical Services Building, prepared for the City of New Orleans, November 12, 2018.
- 10 The Sheriff’s alternative proposal and cost estimate are described in the Sheriff’s June 21 letter to the court. The Phase III cost estimate is from the Legislative Summary of the City’s proposed cooperative endeavor agreement (CEA) as proposed last month. New Orleans City Council, Ord. Cal. No. 34,265, introduced on June 22, 2023.
- 11 New Orleans City Council Resolution R-23-296, adopted June 22, 2023.
- 12 New Orleans City Planning Commission, Staff Report on Zoning Docket No. 71/21, October 2021.
- 13 City of New Orleans, Office of Infrastructure, OJC Medical Services Building Bond Fund Reallocation Project List, prepared for City Council Ord. 29,131 MCS, adopted August 4, 2022.
- 14 See the court’s December 2020 Report and Recommendations.

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BUREAU OF GOVERNMENTAL RESEARCH
1055 St. Charles Ave., Suite 200
New Orleans, LA 70130
Phone 504-525-4152
www.bgr.org
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