

April 6, 2020

To:

Mayor LaToya Cantrell  
1300 Perdido St  
2nd Floor  
New Orleans, LA 70112

NOPD Superintendent Shaun Ferguson  
New Orleans Police Department  
715 South Broad St  
New Orleans, LA 70119

**Re: Community Demands End to Arrests for Misdemeanor and Nonviolent Offenses in Response to the Coronavirus COVID-19**

Dear Mayor LaToya Cantrell and NOPD Superintendent Shaun Ferguson,

As New Orleans becomes the new epicenter of the COVID-19 virus, our first priority is to protect community members and public servants from contracting the virus. You have the power to reduce the risk of contagion by issuing a policy directing New Orleans Police Department officers to issue summonses for all non-violent, non-domestic, non-sex misdemeanor and felony charges instead of making custodial arrests. As the number of cases reported across the state has jumped to over 13,000 cases and nearly 500 deaths (4,066 cases and 161 deaths in our city), the NOPD has continued to jeopardize the safety of its officers and community members both inside and outside Orleans Justice Center (formerly Orleans Parish Prison) by making dozens of unnecessary arrests on a daily basis for non-violent, low level offenses such as simple drug possession.

In order to preserve the health and safety of community members both inside and outside of the jail as well as NOPD and Orleans Parish Sheriff's Office (OPSO) employees, we have included our concerns in this letter. The Orleans Parish Prison Reform Coalition, the Roderick and Solange MacArthur Justice Center, the Office of the Independent Police Monitor and Court Watch NOLA, along with the undersigned New Orleans City Councilmembers and organizations, **urge Mayor Cantrell and Superintendent Ferguson to change NOPD's arrest protocol to stop locking residents up for low-level and non-violent offenses.** Changing NOPD's protocol would allow us to be consistent with the most recent recommendations issued by the Chief Justice of the Louisiana Supreme Court which state in part, "Please suggest to law enforcement that, whenever practicable, they issue summons and citations on misdemeanor crimes and non-violent offenses in lieu of arrest, with a notice to appear on a future date."<sup>1</sup>

The current policy, which gives NOPD officers no direction to issue summonses instead of arresting New Orleanians for non-violent, non-sex offense state misdemeanors and felonies,

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<sup>1</sup> <https://www.lasc.org/COVID19/2020-04-02-LASC-ChiefLetterReCOVID-19andjailpopulation.pdf>

places police officers, sheriff's deputies, and arrested persons in close, sustained contact with one another during the transport and booking process, putting each of these groups at real risk for exposure to coronavirus. When people arrested for low-level, non-violent offenses are booked into jail before being released or bonding out, the rest of the community is also placed at risk of exposure to coronavirus that may have been spread through the unnecessary process of arrest, booking, and release. This can be avoided by issuing summonses for misdemeanors and non-violent felonies, instead of booking every person charged with a low-level offense into the jail prior to them being eligible for release with a summons. Our recommendation would be to allow for summons in non-violent, non-sex, non-domestic offenses but to still allow for the current NOPD exceptions to the summons rule, for example to allow for arrests where an individual was at danger of hurting themselves or others or the individual refused to sign the summons.

Minimizing the number of people introduced to the jail is crucial to slowing the spread of COVID-19 in our city. According to a statement from Sheriff Marlin Gusman and Compliance Director Darnley R. Hodge on Wednesday, April 1, a total of nineteen OPSO employees had tested positive for COVID-19, four of those within the past 24 hours. Four employees tested negative and fourteen are awaiting their test results. Nine employees are currently in self-quarantine.

However, the NOPD continues to unnecessarily expose New Orleanians arrested for low-level offenses to the jail. Between March 18th and April 2nd, of the total number of people who were arrested, booked into jail, and faced a bail hearing in Orleans Magistrate Court, 42% were arrested for non-violent offenses; 9% were arrested with drug charges only.

New Orleans is becoming an outlier in its failure to adjust NOPD arrest protocols in response to this public health emergency. Police departments across the country are currently reexamining their tactics and policies and adopting new policing strategies to reduce the risk of COVID-19 exposure for responding officers and the community. It is vital that the NOPD follow these examples and adopt the newly developed best practices. These adjustments are designed to eliminate unnecessary police interactions and reduce jail populations in order to slow the spread of coronavirus. New Orleans should look to the example set by other police departments including the New York Police Department,<sup>2</sup> Chicago Police Department,<sup>3</sup> Los Angeles Police Department,<sup>4</sup> Los Angeles County Sheriff's Department,<sup>5</sup> Philadelphia Police Department,<sup>6</sup>

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<https://www.cnn.com/2020/04/01/more-than-1000-new-york-city-police-officers-are-infected-with-coronavirus.html>

<sup>3</sup> "In Chicago, the police department has told officers "that certain crimes can be handled via citation and misdemeanor summons as opposed to physical arrest..."

<https://abcnews.go.com/US/police-implement-sweeping-policy-prepare-coronavirus-spread/story?id=69672368>

<sup>4</sup> The Vera Institute of Justice noted that "Arrests made by the Los Angeles Police Department in the first two weeks of March have [decreased](#) by 14 percent from the previous period as the department has implemented a cite-and-release policy for most misdemeanor offenses. The department has [closed](#) public services at their community police stations."

<https://www.vera.org/blog/covid-19-1/law-enforcement-best-practices-can-help-halt-the-spread-of-covid-19-by-keeping-people-out-of-jail>

Detroit Police Department,<sup>7</sup> and Denver Police Department<sup>8</sup> to see what strategies are rapidly becoming the best national standard for how to safely police during this pandemic.

The Office of the Independent Police Monitor has identified the following effective policing trends:

- (1) requiring summons or arrest warrants for majority of misdemeanor and low-level felony offenses (including but not limited to: narcotics, property crimes, and bench warrants) instead of arrests at officer discretion;
- (2) reducing proactive policing; and
- (3) attempting to locate licensed drivers to take control of stopped vehicles which were driven by unlicensed drivers, instead of arresting and impounding.

In order to protect the New Orleans community from further spread of the coronavirus, **we call on Mayor Cantrell and Superintendent Ferguson to institute a NOPD policy directing officers to issue summons to all persons charged with non-violent, non-domestic, non-sex offenses instead of placing them under custodial arrest.** This change would allow officers to perform custodial arrests where a threat to public safety exists, while also allowing officers and community members to maintain a safe social distance and avoid unnecessary exposure to the virus.

The warning signs for this crisis are now loud and clear. You have the power to continue to protect our city and prevent an even larger public health catastrophe by issuing an amended NOPD policy now.

Sincerely,  
The Orleans Parish Prison Reform Coalition (OPPRC)  
The Roderick and Solange MacArthur Justice Center  
The Office of the Independent Police Monitor (OIPM)  
Court Watch NOLA

*Undersigned Organizations*

Abolition Apostles Jail and Prison Ministry  
ACLU of Louisiana  
BreakOUT!  
Democratic Socialists of America - New Orleans  
Eye on Surveillance

<sup>5</sup> <https://www.businessinsider.com/la-county-releases-inmates-reduces-arrests-to-blunt-coronavirus-spread-2020-3>

<sup>6</sup> <https://www.phillypolice.com/news/news-releases>

<sup>7</sup>

<https://www.policeone.com/coronavirus-covid-19/articles/how-covid-19-spread-through-the-detroit-police-department-ju6g30XDYO6G9fQa/>

<sup>8</sup> “The Denver Police Department (DPD) said it will implement a “modified report-taking process” to limit the amount of one-on-one interaction officers have with the public. In some cases, officers will take reports and statements via phone call instead of dispatching officers to gather information in-person.”

<https://www.9news.com/article/news/health/coronavirus/colorado-police-departments-coronavirus/73-2d3d88b2-a078-4fba-8190-0e0fdbd73495>

Families and Friends of Louisiana's Incarcerated Children (FFLIC)  
Free-Dem Foundations, Inc.  
Hope House  
Innocence Project New Orleans (IPNO)  
Justice and Accountability Center of Louisiana  
Justice and Beyond  
Jesuit Social Research Institute  
Louisiana Books 2 Prisoners  
Louisiana Center for Children's Rights (LCCR)  
Louisiana Fair Housing Action Center  
Newcomb Prison Project (NPP)  
Nola to Angola  
Operation Restoration (OR)  
Orleans Public Defenders (OPD)  
Our Voice Nuestra Voz  
Participatory Defense NOLA  
Peace by Piece New Orleans  
Power Coalition for Equity and Justice (PCEJ)  
Promise of Justice Initiative (PJI)  
Project Detour  
National Council of Jewish Women  
New Orleans Hospitality Worker Committee (NOHWA)  
New Orleans Safety & Justice Challenge Community Advisory Group  
New Orleans Workers' Center for Racial Justice (NOWCRJ)  
ReEntry Mediation Institute of Louisiana  
Rethink  
Root of Renewal NOLA  
Safety and Freedom Fund at Operation Restoration  
Sisters for Christian Community  
Solitary Gardens  
Southern Organizer Academy  
Southern Poverty Law Center Action Fund  
Step Up Louisiana  
Ubuntu Village NOLA  
Voice of the Experienced (VOTE)  
Women With a Vision (WWAV)  
Voters Organized to Educate  
XR NOLA (Extinction Rebellion New Orleans)  
350 New Orleans