

Elevating Justice, Nurturing Hope

ACLU

Louisiana
2023 Annual Report



A MESSAGE FROM THE EXECUTIVE DIRECTOR

Dear Supporter,

In the echoes of the year just passed, 2023, we find ourselves at the crossroads of triumphs and trials in the ACLU of Louisiana's pursuit of justice. Our endeavors in the realms of voting rights, police accountability, criminal legal reform, and immigration have borne fruits that resonate with the spirit of hope, even in the face of the stark realities our community grapples with daily.

Louisiana, a state draped in ignoble distinctions, stands as the most incarcerated in the nation, its prisons disproportionately populated by people of color. The haunting specter of racial gerrymandering, marking it as the 6th most in the nation, casts a long shadow over the challenges we face in voter turnout and engagement. The web of Louisiana's obsession with incarceration extends even to immigration, where over 10,000 asylum seekers and refugees find themselves confined in private prisons, run by entities such as Geo Group and Lasalle Corporation, the latter dubiously styling itself a "family-run prison firm."

Yet, within these shadows, we glimpse the glimmers of change. Louisiana, despite having the highest police-to-resident ratio in the country, is not resigned to a future defined by fear and violence. Police violence, a threat to the very peace and safety of our fellow Louisianians, compels us to act, redirecting vital resources towards defending the rights of those who have endured unconstitutional actions by police. We also stand in solidarity with our coalition partners who seek to challenge restrictive laws seeking to deny essential healthcare to LGBTQ+ community members.

Facing the formidable is the first step toward transformation. In the corridors of the ACLU of Louisiana, we humbly acknowledge your commitment to confronting these herculean challenges. With your unwavering support, we are unraveling the tendrils of white supremacy that have long burdened the backs of people of color in our state. Our vision extends beyond conventional boundaries; we champion a Bill of Rights that encompasses all marginalized groups – women, LGBTQ+, immigrants, Black, poor.

Louisiana, standing as a crucial battleground in the American South, shapes the narrative of our nation's future. It is a choice between mass enfranchisement and disenfranchisement, between acknowledging and addressing the vestiges of slavery or attempting to whitewash, silence, and erase them. We navigate the delicate path between protecting democracy and confronting the looming threats of fascism and authoritarianism.

Undeniably, the journey is arduous. Stepping into courtrooms, the odds often seem stacked against us. Yet, it is precisely in these moments that our resolve deepens. The precedent we establish at both state and federal levels collaboratively pushes the needle towards a brighter future anchored in justice and equal protection under the law for all Louisianians, especially those in our most marginalized communities.

Your collective contributions – in time, talent, and treasure – are the sustenance that enables us to persist. Sincerely, we express our gratitude for standing arm in arm with us on this transformative journey. As we traverse the path ahead, we eagerly anticipate the continued solidarity and partnership that propels us toward a more just tomorrow.

With deepest appreciation,

Alanah Odoms, Executive Director of ACLU of Louisiana

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Anthony Monroe,
pictured at his home in Shreveport, is
suing the Louisiana State Police for its
use of excessive force.

HOLDING POLICE ACCOUNTABLE

The Justice Lab: A small team at the ACLU of Louisiana has brought together the country's best legal minds to mount a defense for some of the most invisible victims of police brutality: living survivors.

By Anita Little
Photographs by Annie Flanagan

This story was originally published in ACLU Magazine Fall 2023.

Content warning: this story discusses racial violence and police brutality.

It was the day after Thanksgiving in 2019 when Anthony Monroe left his job as a blackjack dealer at a Shreveport casino, got into his truck, and headed in the direction of home. It was the same drive he had made every work night for the past 20 years.

Monroe was driving the speed limit and breaking no traffic laws when a Louisiana state trooper pulled off from the shoulder and began flashing his lights. Fearful of being alone with the police officer with no witnesses present, Monroe flipped on his turn signal and pulled into another nearby casino. The officer “got out of his vehicle, and he had one hand on his flashlight and another hand on his gun. I felt something about this wasn’t right,” says Monroe.

What would ensue in the next few moments would result in Monroe being slammed to the ground, handcuffed, and then violently beaten without provocation by three officers.

Monroe’s life changed forever that night. He suffered a heart attack during the incident and is now disabled with permanent injuries to his arms and shoulders. He lost the casino job he had held for more than two decades due to fabricated criminal charges the police filed against him. And he suffers from PTSD, reliving the assault constantly.

“They tore my body up and left me with pain and nightmares. I was never a threat, they were. They had the guns. They had the handcuffs. They had the law on their side. How can they say they were afraid of anybody?” asks Monroe.

Unlike known victims of police brutality, Monroe is alive. Monroe’s community isn’t mourning the loss of another beloved member with sidewalk shrines, candlelight vigils, and murals. Monroe can still plan for the future and attempt to seek justice.

“We ultimately have a system where your family is more likely to get access to a court of law if you end up being killed than if you survive,” says Nora Ahmed, legal director at the ACLU of Louisiana, “which puts a large question mark on what kind of a legal system we’ve developed in the first place.” She believes that since the national crescendo of Black Lives Matter protests in 2020, the country is moving back to a place of complacency about police violence. The status quo has remained largely unchanged. For each name that trends, there are countless names that go unspoken, many of them

living survivors.

“Once you have an Alton Sterling, Breonna Taylor, or George Floyd, we see a swell of outrage over racist policing, but over time that dips downward,” Ahmed says. “People are concerned during these moments of cataclysm, but racist policing incidents continue happening on a daily basis.”

The ACLU of Louisiana, as part of its Justice Lab campaign, as well as global law firm Latham & Watkins LLP, has filed a federal lawsuit against the Louisiana State Police for its illegal, brutal arrest of Anthony Monroe. The Justice Lab was founded in 2020 to challenge racially discriminatory policing in Louisiana through free legal representation and community advocacy. The Justice Lab’s primary focus is on cases where the plaintiffs are still living, defending those who have experienced excessive force; unlawful stops, searches, and seizures; wrongful arrest; or racial profiling.

According to a recent article in *The Atlantic*, only 1 percent of potential civil rights plaintiffs have access to legal representation. The Justice Lab fills the gap by offering legal services entirely on a pro bono basis. The ACLU and its co-counsel take on cases the private bar cannot afford to litigate because they are uneconomical to bring.

Ahmed explains that few lawyers will take cases that offer no payout for the baseline costs of litigation, which creates a barrier for those seeking justice.

“If an attorney is not going to be able to make a livelihood, they’re less likely to take on difficult cases. Without the generosity of our donors and our partnering co-counsel, our clients would not have legal representation.”

The Justice Lab has brought together a coalition of more than 50 major law firms across the country and more than 20 legal clinics to support and empower those harmed by the legal system in Louisiana. In its three years of existence, it has filed 50 cases against racist policing and secured more than a dozen legal victories for survivors of police violence.

“Our partnerships with big firms allow us to litigate these cases with some of the best legal prowess available. We’re able to send a message that we can litigate, and we can fight to the end,” says Ahmed.

The team embraces a twofold strategy of litigation and storytelling. Ahmed says that though the courts are a strong place to start when it comes to addressing systemic challenges, she recognizes

the law isn't enough. So they work to give victims and their families a platform in local and national media outlets.

Malikah Asante-Chioke is another Justice Lab client. In 2021, her father, Jabari Asante-Chioke, was shot by Louisiana police 24 times while suffering from a mental health crisis. Instead of de-escalating the encounter with Mr. Asante-Chioke or using less-than-lethal methods, officers began firing and continued to fire long after he was incapacitated.

"My father was an exceptional person. He was willing to do anything for anyone, especially his family. He was my go-to person and the only person I had in this world. Now he's no longer here, and I can never talk to him again," says Malikah, who lost her mother as an infant and is now left parentless.

A friend told her about the ACLU of Louisiana's Justice Lab and soon they took on her case with the White & Case law firm as pro bono co-counsel.

She says speaking about her father is extremely difficult, but she does it because she wants people to know about what Black Louisianans are faced with each day.

"It's what my father would have wanted me to do. I will continue to seek justice for him as long as I'm alive," says Malikah. "What I'm doing won't change what happened to my father, but it could change what happens in the future."

Malikah's case is now pending before the United States District Court for the Eastern District of Louisiana.

On the Justice Lab website, there's a collection of more than two dozen firsthand accounts from police brutality survivors or the families of slain victims. The stories show the humanity that these people have been denied by Louisiana police.

In one, Phil Anthony was severely beaten and jailed after an officer accused him of illegally parking his motorcycle on the sidewalk outside a bar. Today, his vocal cords are paralyzed and his breathing and speaking are permanently impaired from a chokehold the officer placed on him.

Terrica Johnson was driving home when she was randomly pulled over by two officers who searched her car, tightly cuffed her, and confiscated money that she made from her home-repair business, only some of which she has been able to recover.

During a peaceful demonstration protesting the murder of Alton Sterling, Javier Dunn was shoved

to the ground, called a racial slur, and struck repeatedly, breaking several bones in his face.

In total, the Justice Lab has collected hundreds of complaints from Louisiana's 64 parishes and published more than 30 long-form stories on its website. The stories create an indicting catalog of the failures of Louisiana's legal system and the unchecked abuses of its police force. The collection shows how insidious and pervasive the problem is and gives community members a chance to speak out about what's been done to them.

"Litigation is not an easy process, and there are people for whom the law will not bring any form of justice. But their stories are very real. They matter. By bringing these stories forward, we seek to pay homage to each person," says Ahmed. "They have parents, they have children, they could be your neighbors. They're everyday people who were living their lives when they were targeted for violence."

That's why a key goal of the Justice Lab is to "stop the stops," or in other words, lessen the random, unwarranted interactions between police officers and residents.

"The more you police a group of people, the more interactions you'll have between those being policed and those doing the policing. That means those policed are more likely to end up behind bars or end up dead," says Ahmed.

Louisiana has the highest ratio of police officers to residents of any state and the highest incarceration rate in the country. Between 2013 and 2020, police killed at least 167 people in Louisiana, and out of that number, more than half of the people were Black, severely disproportionate to their percentage of the population. The statistics show that Black Louisianans are over-policed and under-protected.

To understand Louisiana's present, one must dive into the past. The Louisiana of today, where residents of color live in fear of any interaction with the police, is the result of generations and generations of the dehumanization of Black Americans that started with chattel slavery. In the American South, some of the first police groups formed were slave patrols. Their mission was to suppress enslaved Black people, squash slave uprisings, and return runaway slaves to their owners.

The work that Ahmed's team does is historically informed, and part of Justice Lab's training is teaching advocates about the racial history of Lou-

isiana. They watch documentaries, read historical research, and visit the Whitney Plantation in Louisiana, the only plantation site in the state that's dedicated to the legacy of slavery. They learn that policing cannot be seen through an ahistorical lens.

"The present, by and large, is a product of the past. We must confront our history in order to repair the problems we have today. You can't talk about modern-day policing in the South without talking about slavery," explains Ahmed.

"There is an active attempt to neutralize the present by disconnecting it from the past, but that's not going to get us where we need to go. We need to draw those through lines, no matter how difficult that might be."

A barrier for Louisiana's Justice Lab is a doctrine called qualified immunity. This rule, introduced by the U.S. Supreme Court during the civil rights era, shields police officers and other public officials from civil liability when they violate a person's constitutional rights. It assumes good faith on the part of the official and puts a more significant burden of proof on the plaintiff. It has received major criticism from legal scholars on the way it is applied in police misconduct cases. In a 2018 dissenting opinion, Supreme Court Justice Sonia Sotomayor called it a "onesided approach" that "sends an alarming signal to law enforcement officers" and "tells officers that they can shoot first and think later."

Another even larger roadblock is the statute of limitations for police misconduct in Louisiana. Those who have suffered from police violence in the state have only one year to file a court case against their perpetrators, compared to the majority of states where a person has several years. From the moment the offense happens, the clock starts counting down. Police can use obstructive tactics like refusing to release bodycam footage or filing criminal charges against their victims until time has run out—barring victims and survivors from ever attempting to use the legal process to fight for justice. "About half of the people who contact us for representation do so after the one-year statute of limitations has expired," notes Ahmed. "They are effectively locked out of the legal process before they have had sufficient time and opportunity to find a lawyer to take on their case."

The work Justice Lab does is daunting, and the team is up against centuries-long sociohistorical hurdles. Despite this, they've secured ground-



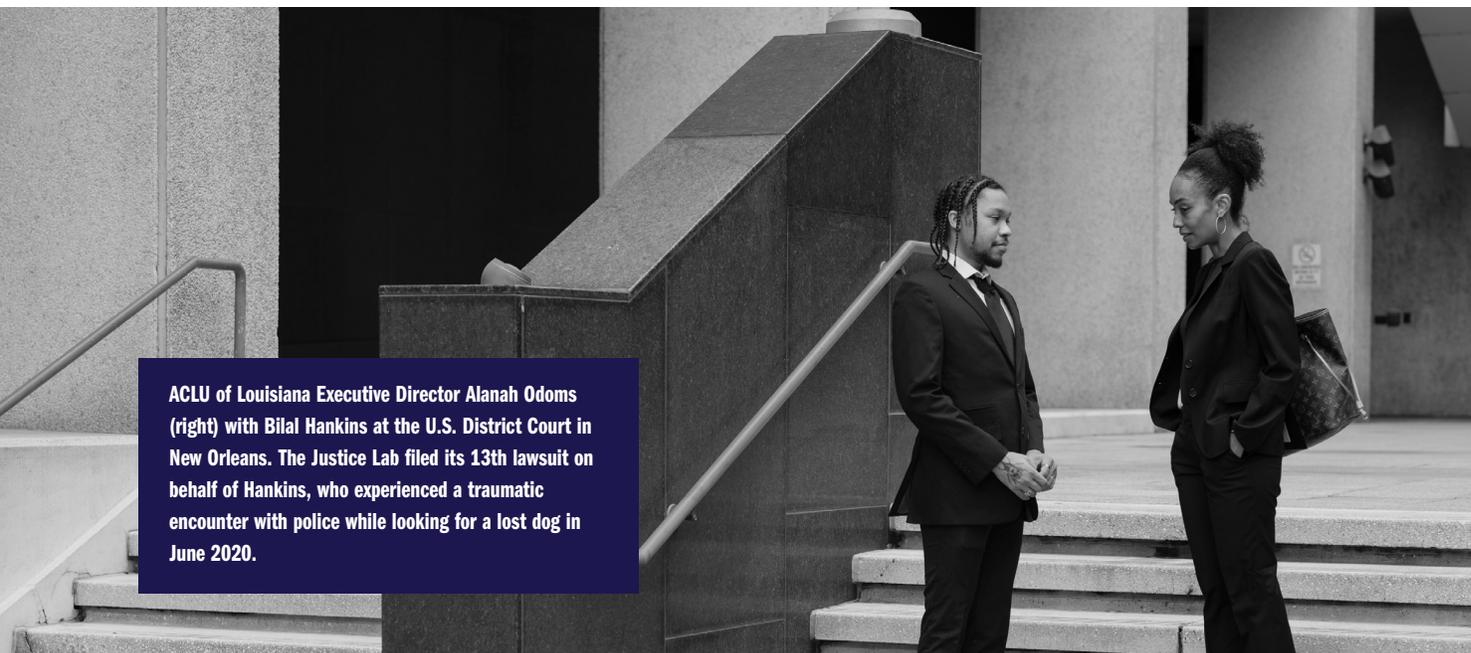
Bridget Wheeler (left), an attorney at the ACLU of Louisiana's Justice Lab, and Nora Ahmed, legal director at the ACLU of Louisiana, stand outside the U.S. District Court in New Orleans.

breaking legal victories that have brought justice to survivors of violence.

"When we initiated this venture, I didn't even know if a victory in the courts was possible," says Ahmed.

But in a short time, the Justice Lab has seen several decisive wins where they were able to overcome the qualified immunity doctrine to either win the suit or reach a settlement outside of court.

In a victory this spring, Justice Lab client Craig White won a settlement after an officer with a well-documented history of racial aggression



ACLU of Louisiana Executive Director Alanah Odoms (right) with Bilal Hankins at the U.S. District Court in New Orleans. The Justice Lab filed its 13th lawsuit on behalf of Hankins, who experienced a traumatic encounter with police while looking for a lost dog in June 2020.

knocked White unconscious and falsely arrested him after an unjustified traffic stop.

Another settlement was reached for Timothy Watkins, who was left with debilitating long-term pain after an officer injured him during a false arrest. He had called 911 after someone vandalized his car only for the responding officers to roughly handcuff him and take him to the station on a fabricated charge of shoplifting.

And there was yet another settlement earlier this year for Yohann Jackson, who has cerebral palsy and suffered what he felt was a deliberate injury to his disabled arm when police conducted an unlawful search of his home.

The Justice Lab has even more cases in discovery or winding their way through the courts.

“These settlements will never adequately compensate clients for the harm that they encountered, but it shows a modicum of progress and allows them to move forward,” says Ahmed.

An ultimate hope is for the Justice Lab in Louisiana to serve as a model for other states throughout the South when it comes to holding police departments accountable. Kentucky and Tennessee, for example, have the same one-year statute of limitations that plagues Louisianans and enables racist policing to continue with impunity.

“What we are trying to do with the Justice Lab is show how you can bring resources to extraordinarily under-resourced states. If we can do it in Lou-

isiana, we can do it anywhere,” says Ahmed. “We want to ensure that people in every state get the same representation that people in other states get.”

Ahmed’s team published a Justice Lab Manual, available on the ACLU of Louisiana’s website, meant to be a blueprint for communities and organizations that are seeking to start their own Justice Lab. The 70-page downloadable guide contains guidance on everything from recruiting law firm partners to launching awareness campaigns to collecting data.

“It explains everything we did to get the program up and running,” she says.

As Ahmed has shared, litigation is not a panacea. It doesn’t take survivors and their families back to the moment before their lives were irrevocably altered. Courtroom justice doesn’t erase pain and trauma. But the team at Justice Lab is bringing us closer to a future where Black Americans can simply exist without constant fear of violence.

“If we don’t care about the stories of the living, then eventually they will become the stories of the dead. The system must hold bad actors accountable, otherwise it’s facilitating the deaths of more people,” says Ahmed.

“We’re engaged in a fight for the soul of our country, a country where we aspire to live up to the ideals espoused in our Constitution.”



ACLU OF LOUISIANA'S JUSTICE LAB SECURES \$500K IN AWARDS FOR VICTIMS OF RACIST POLICING

This year, the ACLU of Louisiana's Justice Lab reached an incredible milestone, securing more than \$500,000 for victims of racist policing and their families. Founded in June 2020 following the murder of George Floyd, Justice Lab works to hold law enforcement accountable for violent and racially discriminatory policing practices and police violence against people of color in Louisiana.

Justice Lab recently settled its eleventh lawsuit against defendants in *Tapps v. McClendon*, including the Jefferson Parish Sheriff's Office which was sued for engaging in a pattern of negligent hiring, retention, and supervision of its officers. The lawsuit was brought on behalf of Frances Tapps, a Kenner resident who went into premature labor following an unconstitutional seizure by a JPSO officer at her home.

On January 7, 2021, McClendon, dressed in his sheriff's department uniform, parked his marked patrol car on the street of Ms. Tapps' Kenner home. McClendon approached Ms. Tapps' home, began pounding on her front door and window, and announced that he had been sent by Ms. Tapps' landlord—who he described as his “partner”—to collect her keys because she was behind on rent. As McClendon spoke, he kept his hand on his partially holstered gun. Despite all appearances, McClen-

don had no legal authority to evict Ms. Tapps. Her landlord, HUM Management, had not commenced an eviction proceeding, and there was a federal eviction moratorium in effect.

Ms. Tapps ultimately called the local police on McClendon. When the responding officer arrived on the scene, McClendon threatened to take Ms. Tapps to jail. The Kenner police officer quickly confirmed that there was no basis to evict Ms. Tapps or to arrest her. The officer later recommended that Ms. Tapps report the incident to JPSO and file a formal complaint against McClendon. Ms. Tapps filed a formal complaint the next day and was told that McClendon had a history of misconduct and would face discipline.

To date, the Justice Lab has secured victories for clients in the following eight parishes: Caddo (Kennedy), DeSoto (Hinson), East Feliciana (Harveston, White), Jefferson (Decquir, Suggs), Lafourche (Jackson), Orleans (Celestine), Morehouse (Olive), and Tangipahoa (Watkins).try, a country where we aspire to live up to the ideals espoused in our Constitution.”

“ Ms. Tapps has dealt with what no mother or pregnant person should have to deal with. While a settlement can never make someone whole, it is a step in the right direction. Pattern or practice claims against police departments are extraordinarily difficult to overcome, particularly in the Fifth Circuit, where we practice law. Developing good case law has long been a key goal of Justice Lab, and we were able to secure that outcome in Ms. Tapps' case. ”

NORA AHMED,
ACLU OF LOUISIANA LEGAL DIRECTOR

POLICING BY THE NUMBERS



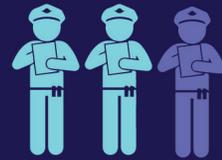
POLICING LANDSCAPE



Police presence in Louisiana has multiplied by more than **4 times** since 1960.



There are more than **2000** allegations of misconduct constituting the Use of Force.



2 out of every 3 allegations result in no recorded discipline against an officer.



Over 91% of decertifications are for administrative reasons, making them easily overturned.



Between January 1st, 2013 and August 21st, 2023, there have been **233** reported killings by police in Louisiana.



More than **51%** of all people killed by police in Louisiana are Black, even though Black Louisianans represent **33%** of the state's population.



JUSTICE LAB'S IMPACT

1000 counts against police investigated

61 cases filed representing **51 individual plaintiffs**

352 counts filed against police, including the following:





Siblings Leroy and Gracie Close, Dr. Ibrahima Seck, and ACLU of Louisiana Executive Director Alanah Odoms partake in an educational tour of the Whitney Plantation in Wallace, LA.

INVESTING IN HOPE: TRUTH & RECONCILIATION IN THE DEEP SOUTH

Letitia* was home alone one night when police officers broke into her apartment, dragged her out of bed, and demanded to know where the drugs were. She had no idea what they were talking about. When she couldn't answer their questions, they beat her and arrested her. They had no warrant.

Several years later, Letitia's "criminal history" has prevented her from getting a job that pays a living wage. After her car recently broke down, she has started to have to Uber to work, an expense that cuts her daily pay by one-third. All the while, she has slid into debt, because of supporting her children's college educations.

Letitia's story was just one of many told at a recent gathering of participants in the ACLU of Louisiana's Guaranteed Income pilot project. This project brings together participants from our Justice Lab who have suffered from racially discriminatory policing practices in Louisiana. The participants in the Guaranteed Income program live in the parishes of Jefferson and Caddo, where police routinely act unconstitutionally and with impunity. All participants have been victimized by police but have not received any settlement or support of any kind as a result of the police abuse. Louisiana's archaic one-year statute of limitations and qualified immunity are common legal barriers that prevent survivors of police misconduct from filing cases.

This program is funded by Deacon Leroy Close and Gracie Close, siblings who with the ACLU of Louisiana, have researched their ancestors' role in enslaving people and in the slave trade. They are descendants of enslavers who owned plantations and later operated cotton mills in Fort Mill, SC. Through our Truth and Reconciliation program, Leroy and Gracie committed to supporting 12 participants with \$1,000 a month for twelve months, as well as wrap-

around services such as free counseling, expungement clinics, financial literacy and career services workshops. We hosted focus groups with our Guaranteed Income participants in late August and early November to understand the context of their lives and their needs. Through conversations with the participants, we gathered insights into the impact of police misconduct on the lives of survivors and used those takeaways to create our holistic programming.

The first police force was created in Charleston, South Carolina, as a patrol to catch enslaved people who attempted to escape their conditions of bondage. Our hope is that this pilot program creates proof of concept for a transfer of wealth from the descendants of enslavers, to those who suffer from the vestiges of slavery. The Guaranteed Income program will support the Justice Lab's goals to use litigation, legislative and narrative campaigns to address unconstitutional, racist policing. Our hope is that this program empowers physical, emotional, and economic security for recipients, and begins planting the seeds for an offensive strategy for dismantling the prison industrial complex.

On December 1, our first round of payments were distributed. Our cohort of participants makes up a tapestry of homeowners, entrepreneurs, and hardworking parents and grandparents, all with unique stories and aspirations for the future. Some of our participants' dreams include filing an LLC for a new business, restoring family property, celebrating a recent marriage, paying off property taxes, and seeking higher education. We will continue to update you on our progress and learnings from transferring wealth in service of restorative justice.

“ For us, the benefits of slavery have not ended. They are a very real part of our day-to-day lives. The institution of slavery allows us to have high incomes without having to work. It allows us the luxury of feeling secure in our lives. In contrast, the descendants of the people owned by our ancestors have had the opposite experience. Many experience poverty, and all experience structural racism, especially those in the South. ”

DEACON BUCK CLOSE & GRACIE CLOSE, SIBLINGS WHO GREW UP IN FORT MILL, SOUTH CAROLINA

*Name was changed to protect the victim's identity.



Members of Louisiana's LGBTQ+ community delivered testimony against harmful bills at the 2023 Pride Day at the Capitol in Baton Rouge.

MOBILIZING OUR COMMUNITIES

RESILIENCE AND RESISTANCE: NAVIGATING THE ADVOCACY LANDSCAPE FOR LGBTQ+ RIGHTS IN LOUISIANA

In June, Louisiana's statewide LGBTQ+ policy and organizing coalition hosted its second Pride Day at the Capitol in Baton Rouge. The coalition stands on the shoulders of its predecessors, including the Louisiana Lesbian and Gay Political Action Caucus, who hosted a statewide conference in 1981. The ACLU of Louisiana is represented in the coalition by A'Niya Robinson, the affiliate's Advocacy Strategist and lead organizer for the event.

"With the increasing number of LGBTQ+ bills, we desperately need more people to learn and utilize this process," said Robinson. "Equally as important, we needed a space to come together to dream up what else is possible and build community. There are LGBTQ people all across Louisiana. Unfortunately, geography and other obstacles keep us from forming connections. And for this year's Pride Day, we made sure to emphasize well-

ness. Fighting these hateful bills takes a toll so, in addition to having learning spaces and workshops, we made sure to have different self-care stations and outside practitioners to offer massages and no-touch healing."

During the 2023 legislative session, the LGBTQ+ coalition defeated House Bill 466, which would have banned discussion of gender and sexual identity in schools, and House Bill 81, which would have prevented students from going by their preferred name and pronouns in schools.

The coalition also mounted a community defense against House Bill 648, which proposed banning gender-affirming medical care for minors. Through the combined efforts of grassroots organizers and elected officials, the bill was defeated in committee. Following this action, the bill was moved to another committee that was sure to let it advance. It was ultimately passed by both the Senate and House of Representatives, and despite a veto by Governor John Bel Edwards, the Louisiana Legislature overrode his decision.

Recently, courts across the country have recognized that many anti-LGBTQ+ laws violate equal protection and due process rights of adolescents, their parents, and their medical providers, while also discriminating on the basis of sex and transgender status.

“LGBTQ+ people, especially people under 18 in the Deep South, have every right to feel anger, fear, exhaustion, and confusion right now. We also have every right to feel and create joy, community, and passion. I’m just so proud that, with Pride Day, younger LGBTQ+ people can see that there are people fighting alongside and with them and that a full life as an LGBTQ+ adult in this state is possible.”

A’NIYA ROBINSON,
ACLU OF LOUISIANA ADVOCACY
STRATEGIST AND LEAD ORGANIZER FOR 2023
PRIDE DAY AT THE CAPITOL



COURTING CHANGE: A DYNAMIC WEEK OF ACTION UNFOLDS AT THE FIFTH CIRCUIT COURT OF APPEALS

In October, the ACLU of Louisiana and our coalition partners mobilized for a Week of Action at the Fifth Circuit Court of Appeals in New Orleans. The court heard oral arguments in two of the Justice Lab’s police accountability cases: *Nevarez v. Coleman* and *Brown v. Pouncy*.

Nevarez v. Coleman

The ACLU of Louisiana and co-counsel represented the surviving wife and children of Mr. Miguel Nevarez, a 36-year-old Afro-Latino man who was fatally shot 17 times by police officers in Houma. After Mr. Nevarez was killed, officers unlawfully obtained warrants and searched the car he was in during the incident, his home, and his wife’s cell phone, which was unlawfully seized the night of her husband’s death. The civil rights action against Louisiana State Police, the Houma Police Department, and the Terrebonne Police Department seeks to hold officers accountable for the unjust seizure and wrongful death of Mr. Nevarez, and the posthumous searches of his and his wife’s property. The issue before the Fifth Circuit is whether police are allowed to solicit search warrants of police shooting victim family members or other bystanders premised on the alleged actions of the person the police shot and killed. A ruling in our client’s favor would reverberate across the state where law enforcement agencies are knowingly using search warrants against bystanders and family members of those they killed as a way of justifying their illicit actions.

Brown v. Pouncy

In this case, the ACLU of Louisiana and co-counsel represented Mr. Jarius Brown, who was brutally attacked by former DeSoto Parish Sheriff’s Office deputies after his arrest for nonviolent vehicle offenses. Both former deputies involved were later indicted by the Justice Department, one pled guilty, leaving no question that Mr. Brown’s constitutional rights were violated. The civil rights action seeks to challenge Louisiana’s draconian one-year statute of limitations and to hold the officers accountable for their violation of Mr. Brown’s constitutional rights. Louisiana limits victims to just one year to file a lawsuit for unconstitutional policing, regardless of the extent of their injuries, recovery, or obstructive tactics employed by law enforcement to prevent accountability measures. Louisiana’s one-year statute of limitations is blocking Mr. Brown, and countless other victims of police violence, from seeking justice and accountability for police misconduct.

43RD BEN SMITH

EMPOWERMENT, LEGACY, AND SOUL: CELEBRATING

On December 2, the ACLU of Louisiana welcomed 350 supporters to its 43rd Ben Smith Fête at the historic Tate, Etienne, Prevost (TEP) Interpretive Center, formerly McDonogh 19 school, in New Orleans' Lower Ninth Ward. Together, we celebrated the ACLU of Louisiana's racial justice work, our supporters, and the lives and legacies of prominent civil rights leaders in our state.

The ACLU of Louisiana presented the 2020 and 2023 Ben Smith Awards at this year's gala. The 2020 Ben Smith Award was given posthumously to racial justice leader, liberator, and member of the Angola 3, Albert Woodfox. The award was presented to Woodfox's brother, Michael Mable, by fellow Angola 3 member and activist Robert King.

The 2023 Ben Smith Award honored Dr. Leona Tate, Founder and Executive Director of the TEP Center. At the tender age of six, Dr. Tate desegregated McDonogh #19 school with Gail Etienne and Tessie Prevost, on the same day that Ruby Bridges desegregated William Frantz Elementary. In 2009, Dr. Tate established the Leona Tate Foundation for Change, Inc. to purchase McDonogh 19, and today, her mission for the TEP Center is to create a safe space and community anchor where the public can learn, support, and train for anti-racism activism and social restorative justice.

The inaugural Trailblazer Award was given to Jarrett E. Cohen, Founder, Principal and Chief Investment Officer of JECohen & Co., LLC, a New Orleans-based registered wealth and investment management firm that values integrity and opportunity for all. The inaugural Law Firm of the Year Award was given to Kuchler Polk Wiener, LLC, a boutique, civil litigation, minority, and women-owned law firm. The firm was represented by Janika Polk and Marcus Hunter.

Exhibit Leadership

The Soul of Philanthropy & Parading Toward Freedom: A Movement for Black Philanthropy Exhibits would not be possible without our Exhibit Chairs, Steering Committee, and Host Committee.

Chairs

Linetta Gilbert
Lauren Phipps
Dr. Leona Tate

Steering Committee

John Barnes Jr.
Ron Bechet
Hattie Broussard
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Exhibit Curators

Valaida Full
John Barnes
Dr. Ron Bechet
Frederick "Wood" Delahoussaye



MITH FÊTE

ING CIVIL RIGHTS LEADERS & BLACK PHILANTHROPY

In partnership with Dr. Tate and the TEP Center, the ACLU of Louisiana is committed to telling the true history of the South, revealing and honoring hidden movement figures, and telling the often under-appreciated story of Black philanthropy in its many shapes and forms. As part of our Fete, we launched the national traveling exhibit, "Giving Back: The Soul of Philanthropy Reframed and Exhibited", which shows how Black philanthropy has always edified our nation and the fight for racial justice.

Alongside the national exhibit, and in partnership with the TEP Center, the Jae Impact, and a steering committee made up of Black leaders from across the city, we launched a powerful local exhibit, "Parading Toward Freedom: A Movement of Black Philanthropy", telling the unique story of Black giving New Orleans. Both exhibits will be open to the public until February 29, 2024. The TEP Center (5909 St. Claude Avenue) is open Monday-Friday, 10 AM - 3 PM, and Sunday from 12-4 PM with a reservation.

The event and exhibits were sponsored by the W.K Kellogg Foundation; ACLU National; Fidelity Charitable; Foundation for Louisiana; Covington & Burling, LLP; Leroy Close; Gracie Close; Camille Patti, Attorney at Law; New Orleans Tourism and Cultural Fund; Morgan, Lewis & Bockius LLP; The Art for Justice Fund, a project of Rockefeller Philanthropy Advisors; JECohen; The Jae Impact; The Edgar "Dooky" Jr. & Leah Chase Family Foundation; The Community Investment Network; The Greater New Orleans Foundation; Ashé Cultural Arts Center; Planned Parenthood Gulf Coast; John Lewis Public Administration Program - Tulane School of Professional Advancement; Hattie and Terrel Broussard; Pontchartrain (LA) Chapter of The Links, Incorporated; and New Orleans Alumnae Chapter, Delta Sigma Theta Sorority, Inc.

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Pontchartrain (LA) Chapter of The Links, Incorporated
Delta Sigma Theta Sorority, Inc.,
New Orleans Alumnae Chapter





Former Louisiana Supreme Court Chief Justice and *Chisom* plaintiff Bernette Joshua Johnson with local leaders at the Fifth Circuit Court of Appeals in New Orleans.

DEFENDING VOTING RIGHTS

“ It’s well past time for Louisiana to turn the page and allow all citizens to participate fully in our democracy. Louisianans deserve better from our elected officials. Black voters must be heard in the electoral process, not packed into one district or diluted into several districts by maps that attack their political power. Our fight for fair maps continues, to ensure that every vote counts, and that voters of color have equal representation in our state. ”

ALANAH ODOMS, EXECUTIVE DIRECTOR OF THE ACLU OF LOUISIANA

Throughout 2023, the ACLU of Louisiana litigated voting rights cases on behalf of Louisiana's Black voting age population, and mobilized supporters and partners to pack the courtroom to continue our fight for Black voting rights in our state.

Chisom v. State of Louisiana

In October, the Fifth Circuit Court of Appeals ruled in favor of civil rights activist Ronald Chisom, the Honorable Marie Bookman, the Urban League, the United States, and, our client, Chief Justice Bernette Joshua Johnson, upholding Black voters' ability to elect a justice of their choice to the Louisiana Supreme Court. The ACLU of Louisiana served as lead counsel for Chief Justice Johnson, arguing on her behalf before the court.

The lawsuit arose from decades-old litigation instituted by Black voters in New Orleans who were being denied the opportunity to elect a candidate of their choice to the state's highest court. For over a century, the legislature had strategically diluted the power of Black voters by packing them into voting districts with parishes that had majority-white populations.

After protracted litigation reached the United States Supreme Court, in 1992, the parties agreed to resolve the case by Consent Judgment, resulting in a mandate that a New Orleans-based voting district be created during the subsequent redistricting cycle. Nearly thirty years later, on December 2, 2021, in an about-face, the State asked the court monitoring the Consent Judgment to dissolve it, claiming there was no need to preserve a seat for Black voters to elect a Supreme Court Justice of their choice. The lower court disagreed, the State appealed, and the Fifth Circuit agreed with the lower court's ruling.

Historically, only 3 of Louisiana's 117 Supreme Court Justices have been African American, which constitutes less than 2.5%. Each of these Justices was elected by Black voting majorities in the district were created and protected by the Consent Judgment.

In its 2-1 decision, the Fifth Circuit Court acknowledged this history, stating that "the record cannot support a determination that the vestiges of past discrimination have been eliminated to the extent practicable."

Editor's Note: In January 2024, the Fifth Circuit Court of Appeals granted full court review of

“ Since 1986, Louisiana voters have insisted upon their right to elect a candidate of choice to the Louisiana Supreme Court. “This is the essence of Section 2 of the Voting Rights Act. The Chisom case accomplished this very important goal. The Fifth Circuit’s ruling validating Chisom is invaluable. ”

PLAINTIFF AND FORMER CHIEF JUSTICE OF THE LOUISIANA SUPREME COURT BERNETTE JOHNSA JOHNSON

the decision in Chisom v. Louisiana; in doing so, by operation of court rules, the decision issued in October 2023 was vacated.

Robinson v. Ardoin

In both November and again in December, the Fifth Circuit Court of Appeals agreed with a lower court that the congressional map enacted by the Louisiana Legislature following the 2020 census is discriminatory and likely violates the federal Voting Rights Act.

The decision is the latest development in this lawsuit, which argues that Louisiana's congressional map dilutes the voting power of Black Louisianians and violates Section 2 of the Voting Rights Act by failing to provide Black voters an equal opportunity to elect their candidates of choice in a second Louisiana congressional district. We are arguing, and will continue to argue at a trial scheduled for later this year, that the Voting Rights Act requires that a new district be drawn before the 2024 and future election cycles.

The lawsuit was filed in March 2022 by the Louisiana State Conference of the NAACP, Power Coalition for Equity and Justice, and individuals Press Robinson, Dorothy Nairne, E. René Soulé, Alice Washington, and Clee Ernest Lowe.

The plaintiffs are represented by the American Civil Liberties Union, ACLU of Louisiana, Legal



ACLU of Louisiana Legal and Advocacy team members stand in front of the Fifth Circuit Court of Appeals after giving oral arguments in *Chisom v. State of Louisiana*.

“ Black voters and their voices matter – they have always mattered. This ruling has strengthened our resolve to continue the fight for fair maps that affirm the fundamental voting rights of our community. ”

ALANAH ODOMS,
EXECUTIVE DIRECTOR OF THE ACLU
OF LOUISIANA

Defense Fund, the Harvard Election Law Clinic, Louisiana attorneys John Adcock and Tracie Washington, and Paul, Weiss, Rifkind, Wharton & Garrison LLP.

Black Louisianians make up nearly one-third of the voting-age population in the state yet are severely underrepresented in the state’s congressional map, which packed Black voters from the two largest and majority-Black cities in the state, New Orleans and Baton Rouge, into a single congressional district.

That district also came about as a result of Voting

Rights Act litigation and in response to a court order. Prior to that earlier litigation, no Black person had been elected to Congress from Louisiana since Reconstruction.

The decision comes after the Supreme Court upheld the Voting Rights Act in a similar case in Alabama and nearly 18 months after court proceedings in which Black Louisianians and civil rights groups presented their case for enjoining the map.

The appeals court set out a timeline for the state Legislature to adopt a new map by May 2024. If it does not do so or if it adopts a map that continues to violate the Voting Rights Act, the Fifth Circuit’s decision instructs the lower court to promptly conduct a trial and adopt an appropriate remedial map.

Editor’s Note: During a special session on redistricting in January 2024, the Louisiana Legislature passed a new congressional district map that created a second majority Black congressional district. The map was signed into law by Governor Jeff Landry on January, 22, 2024.

Nairne v. Ardoin

In December, trial concluded in *Nairne v. Ardoin*, a pivotal voting rights case challenging Louisiana’s discriminatorily drawn state House and Senate district maps.



ACLU of Louisiana supporters hear from *Chisom v. State of Louisiana* plaintiffs at a lunch and learn program following oral arguments.

The lawsuit, which was originally brought by the ACLU of Louisiana, ACLU Voting Rights Project, Legal Defense Fund (LDF), law firm Cozen O’Connor, and Louisiana attorneys Ron Wilson and John Adcock in 2022, asserts that the maps deny Black residents an equal opportunity to participate in the political process and elect candidates of their choice, in violation of Section 2 of the Voting Rights Act of 1965.

The plaintiffs in the lawsuit include the Black Voters Matter Capacity Building Institute, the Louisiana State Conference of the NAACP, and several individual Louisiana voters.

In August 2022, the lawsuit came to a standstill when the Louisiana federal court issued a stay of all proceedings in the case while awaiting the Supreme Court’s decision in *Allen v. Milligan*. In light of the court’s favorable *Milligan* ruling, the case was allowed to proceed.

The federal trial took place over seven days in Baton Rouge, with each of the plaintiffs taking the stand to attest to their experiences with voting and election outcomes under the current systems in place.

“ This case has always been about fairness and representation. I remain optimistic that the Supreme Court’s ruling to uphold Section 2 of the Voting Rights Act signals a new chapter in our fight to achieve fair legislative maps in Louisiana. These maps have real consequences for my community. It is time that Black voters all the way from my neighborhood in Napoleonville up to Baton Rouge and Shreveport are able to finally feel real hope that their voices will be heard in our political process. ”

DR. DOROTHY NAIRNE,
LEAD PLAINTIFF, *NAIRNE V. ARDOIN*



ACLU of Louisiana's Immigrant Rights Staff Attorney Andrew Perry and client Jessica Baharona-Martinez after her release from the South Louisiana ICE Processing Center.

PROTECTING IMMIGRANTS' RIGHT

WE'RE MAKING SURE PEOPLE IN IMMIGRATION DETENTION KNOW THEIR RIGHTS

By Nora Ahmed and Andrew Perry

This article was originally published as a blog entry for the ACLU National Immigrant Rights Project.

Louisiana has more people in immigration detention than any other state in the country except Texas. Across the state, thousands of people are held in just nine Immigrations and Customs Enforcement (ICE) facilities, often in isolated regions where legal services are almost nonexistent. To put this into context, there are only about 10-12 pro-bono attorneys for the entire state, despite the immense need for legal support. This means that people detained in Louisiana essentially have no basic legal orientation or assistance in navigating the labyrinth that is the immigration legal system.

That's why the ACLU of Louisiana has developed a unique series of visits to remote Immigrations and Customs Enforcement (ICE) facilities, combining direct legal assistance with on-the-ground advocacy and litigation. About every five to seven weeks, we, along with coalition partners like Robert F. Kennedy Human Rights and the Southern Poverty Law Center, pile into cars stuffed with Know Your Rights (KYR) materials in up to 10 languages to drive to visit two to three detention centers over the course of a week. We've been visiting people in detention and distributing these materials for the past two years.

During these visits, we conduct group KYR presentations and one-on-one interviews with detained individuals to provide vital information that people in removal proceedings desperately need. These presentations, while general, also delve into crucial details about the asylum process, other available protections in the U.S., and how to seek release from detention.

Over the course of these visits, we also gather valuable information about issues that people are facing in detention and in their removal proceedings. While the facilities may skate by their annual inspections, these visits provide a direct line to people who can report what is happening on the ground. People we meet often tell us that we are the only lawyers providing any help in the region, and we have been greeted with tears of relief for providing the first friendly face who can explain why they are even detained while trying to seek asylum. This is especially true for individuals with limited English proficiency, or individuals who speak Indigenous or less common languages, and thus have not been able to communicate with nearly anyone while detained.

We intervene in individual cases when we can, advocating for individuals with ICE, U.S. Citi-

zenship and Immigration Services (USCIS), and the immigration courts. Occasionally, we and our partners are able to represent individuals in particularly egregious situations — like the case of Jessica Barahona-Martinez, an LGBTQ+ asylum seeker who was detained for over six years despite winning asylum twice, until we and the ACLU Immigrants' Rights Project filed a habeas petition seeking her release. These trips are an invaluable opportunity to document the cruelty and impact of ICE detention and support coalition efforts to shut down facilities in the region.

In future blogs, we will delve into recent KYR trips taken by the ACLU of Louisiana in addition to trips made by affiliates in other states, sharing insights about the broader challenges people face in immigration detention today — including lack of medical care and language access services, abuse and intimidation by facility staff, appalling conditions, and due process concerns. The experiences of people in immigration detention in Louisiana are by no means limited to the state, and instead, exemplify the systemic issues people in immigration detention face nationwide.

SPOTLIGHT: BARAHONA-MARTINEZ V. MAYORKAS

The ACLU Immigrant Rights Project (IRP) and the ACLU of Louisiana (ACLU-LA) brought a habeas petition on behalf of Jessica Barahona-Martinez, a gay mother of three who was detained for over six years as a result of a Salvadoran arrest warrant and Interpol Red Notice stemming from false charges of gang activity in El Salvador.

Jessica successfully defended herself against those charges, but as a result, she was targeted by rival gangs due to that accusation. After coming to the United States with her three children in 2016, Jessica was released on her own recognizance and complied with check-in requirements with ICE for over a year. Jessica was suddenly taken into custody after the Salvadoran government re-tried her in absentia in 2017. For nearly three of those years, Jessica was detained in Louisiana, over 1,000 miles from her children and family in Virginia. IRP and ACLU-LA filed the case on Jessica's behalf on September 6, 2023. Ms. Barahona-Martinez was subsequently released on September 28, 2023.

Learn more at: www.laclu.org/irp



Community supporters joined the ACLU of Louisiana and co-counsel for an emergency hearing at the United States Middle District Court of Louisiana in Baton Rouge.

ADVANCING CRIMINAL LEGAL REFORM

UNVEILING REALITIES: RELOCATING
CHILDREN FROM ANGOLA PRISON

In September, after more than a year of national and local advocacy, public outrage and an ongoing federal lawsuit, the state of Louisiana finally relented and moved children out of the nation’s largest adult maximum security prison, Louisiana State Penitentiary, known as Angola.

Since October 2022, 70-80 children, almost all Black boys, had been housed in the former death row of Angola, where they were subjected to abusive conditions, including solitary confinement for days—sometimes weeks— at a time, excessive force, and the routine use of handcuffs, restraints, and chemical agents. State officials deprived these children of their right to an education and rehabilitative services, and deprived them of their right to see their family members.

A lawsuit was filed on behalf of the children and their families by the American Civil Liberties Union’s National Prison Project, the ACLU of Louisiana, the Claiborne Firm and Fair Fight Initiative, the Southern Poverty Law Center, Loyola University New Orleans College of Law, and attorneys Chris Murell, David Shanies, and Russell Barksdale.

After seven days of testimony and thousands of pages of evidence during a hearing in August, the court ruled that the state had violated their promises, subjected the children to conditions of confinement that constitute “cruel and unusual punishment,” and the children must be removed from the Angola site.

After the children’s removal from Angola, the Office of Juvenile Justice announced it had relocated the children to what appears to be an adult detention facility which also houses youth in Jackson Parish. The move was made without notice to the plaintiffs’ attorneys, signaling that while the removal of the children from Angola is a step in the right direction, a long path to true restorative justice lies ahead.

“ We are pleased with the state’s decision to move the children housed in Angola after a year of devastating effects. Louisiana can and must do better to provide the rehabilitation, education, and treatment services they are legally required to, and end the practice of holding children in adult facilities once and for all. ”

NORA AHMED,
ACLU OF LOUISIANA LEGAL DIRECTOR



ACLU OF LOUISIANA PARTICIPATES IN NATIONAL TASK FORCE ADDRESSING LONG SENTENCES

The Council on Criminal Justice’s Task Force on Long Sentences was launched to assess the impact of long sentences and develop recommendations that advance safety, justice, legitimacy, and respect for people’s humanity.

Louisiana’s former Chief Justice of the Supreme Court Bernette Joshua Johnson, served on the Task Force and ACLU of Louisiana’s Executive Director provided support to the Chief in this important national role. For one year, in conducting its work, the Task Force sought to uphold the following interrelated guiding principles: Keep people safe from serious and violent victimization; Recognize that all people deserve to be treated with dignity; Acknowledge and alleviate the impact of racial and other biases; Help victims and survivors of crime heal and recover from trauma; Allow for the possibility of redemption; Balance the purposes of incapacitation, deterrence, rehabilitation, reintegration, and the interests of victims and survivors; Rely on data, research, professional expertise, and lived experience; Make our criminal justice system worthy of the respect of all people.



IN MARCH, 2023, THE TASK FORCE LAUNCHED ITS FINAL REPORT “HOW LONG IS LONG ENOUGH?”

The report issues the following recommendations:

- 1 **Prioritize funding for violence reduction and victim and survivor services**
- 2 **Guarantee access to services for all victims and survivors of serious and violent crime**
- 3 **Reduce recidivism by addressing behavioral health needs of people serving long sentences**
- 4 **Promote accountability and enhance access to services through the enforcement of victims’ rights**
- 5 **Identify and alleviate unwarranted racial disparities in sentences**
- 6 **Ensure that judges may consider relevant facts and circumstances when imposing long sentences**

- 7 **Decouple drug quantity from sentence lengths and restrict the use of long sentences in cases that stem from symptoms of substance use and mental health disorders**
- 8 **Ensure that sentencing enhancements based on criminal history are focused on individualized assessments of risk**
- 9 **Provide restorative justice opportunities for victims, survivors, and people serving long sentences**
- 10 **Prioritize professionalized assessments of rehabilitation and present danger to public safety in parole decision-making**
- 11 **Maximize rehabilitation by expanding earned sentence credit opportunities**
- 12 **Promote accountability and rehabilitation through selective second look opportunities**
- 13 **Provide people serving long sentences with access to rehabilitative living conditions and opportunities**
- 14 **Improve the nation's understanding of the use of long sentences with more data, greater transparency, and a focus on clear costs and benefits**



ACLU of Louisiana Legal Director Nora Ahmed and legal team members (left to right): Viktor Hermannsson, Meghan Matt, and Andrew Perry.





MAKE A GIFT



Thank you for all you have shared with us in time, talent and treasure throughout 2023. Whether you gave testimony at the legislature, packed the court, partnered with us as a client or a storyteller, gave financial resources, or helped to launch our art exhibits on Black Philanthropy, your contributions are valued and deeply appreciated. We look forward to building with you this year.

Make a tax-deductible gift today:

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