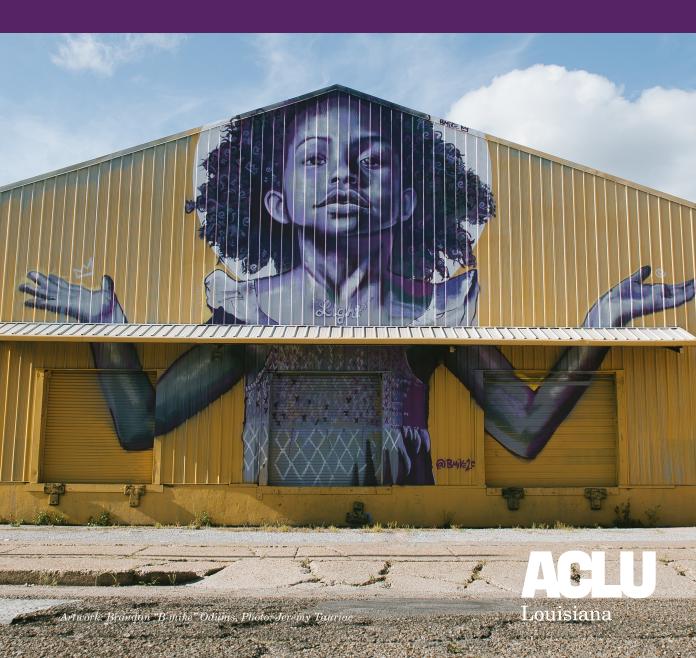
#### PROTECTING LIVES, SAFEGUARDING DEMOCRACY

ANNUAL REPORT 2020





# WE THE PEOPLE

Dear Friends.

Thank you for your continued investment in the ACLU of Louisiana. Your ongoing support proved more critical than ever this past year as we faced unprecedented challenges brought on by the COVID-19 pandemic and the most significant racial reckoning in our country since the civil rights movement. These circumstances have impacted the lives of all Louisianians, and the ACLU staff have been working tirelessly to carry out a robust agenda to protect and advance civil rights and civil liberties here in our home state. Throughout 2020, we learned that our work could not be more important.

During a time of immense highs and lows, the ACLU of Louisiana worked alongside community members to end mass incarceration and protect vulnerable people from COVID-19. We took part in the largest protest movement in American history and challenged racist policing across the state. And in November, we voted like our rights depended on it, electing a progressive prosecutor in Orleans Parish, and turning the page on an arduous chapter in American history. Amid a devastating pandemic, the Movement for Black Lives, and the election of our lifetimes, the ACLU of Louisiana worked to protect lives and safeguard democracy.

As the first Black woman to lead the ACLU of Louisiana in its 65-year history, I am humbled to serve this organization. I come to work with joy and hope that our victories, and even our defeats, are shared among the many activists, lawyers, and organizers who fought for freedom in the years since our affiliate's founding. I have been committed to carrying on this organization's proud legacy of defending the Bill of Rights, with the new charge to apply a lens of racial equity to all of our cases. Here in Louisiana, where the impact of institutionalized racism and white supremacy continue to inflict devastating harm on Black and Brown communities, this work is essential.

The generosity of our supporters during this exceptionally difficult year has made our work possible. Your investment in our organization is already playing a critical role in powering ongoing fights. In the coming year, the ACLU will use everything in our toolbox—litigation, legislation, advocacy, public education, and community organizing—to build on our hard-won progress, undo setbacks, and stop new attacks on our fundamental freedoms.

If 2020 has taught us anything, it's that Louisianians are stronger and more resilient than we could have imagined. More than you will ever know, the ACLU relies on your passion, your visibility, and your willingness to show up and speak truth to power. I am tremendously grateful for you, and will remain a faithful co-laborer in this work.

In solidarity,



Alanah Odoms
Executive Director

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## A NEW CHAPTER FOR ORLEANS PARISH

In advance of the election of our lifetimes, the ACLU of Louisiana educated local voters and engaged in electoral advocacy in a key race for District Attorney of New Orleans.

For years, Orleans Parish has been one of the most significant drivers of incarceration and racial inequity in Louisiana's criminal legal system, but in 2020, community members were given an opportunity to change that and build a future where Louisiana's rates of mass incarceration and racial disparities don't top the charts. The election for Orleans Parish District Attorney was a historic opportunity to shape the city's priorities on sentencing, prosecutorial practices, and bail reform, while turning the page on the harmful "tough-on-crime" policies championed by former District Attorney Leon Cannizzaro.

The 2020 election season marked a first for the ACLU of Louisiana's newly-formed advocacy department as we worked to raise awareness about the stakes in this election, educate the candidates about the popularity of a pro-reform agenda, and get out the vote. As a proud member of The People's DA Coalition and the Louisiana Voting Rights Coalition, we helped launch a policy platform that outlined what an ethical District Attorney's office, committed to ending mass incarceration, should look like.

In June 2020, the ACLU commissioned a poll that showed widespread support among Orleans Parish voters for key reforms, including the elimination of racial disparities in charges and sentencing and ending "habitual offender" sentencing enhancements, reducing pretrial incarceration, and never prosecuting kids in adult court. Following the poll, we sent each candidate a briefing book and questionnaire, highlighting voters' support for various policies and encouraging candidates to commit to specific, measurable reforms for their prospective administrations.





Chris Kaiser, Alanah Odoms, Orleans Parish DA Jason Williams, and Stephanie Willis

Later in the year, we launched a digital District Attorney Candidate Dashboard, which highlighted important contrasts among the candidates' positions, from marijuana enforcement and sentencing to juvenile justice. The ACLU of Louisiana shared the voter education guide with audiences throughout Orleans Parish, and its content was adapted by coalition members and additional parties for canvassing material, phone- and textbanking scripts, and paid advertisements. The website that housed the dashboard —laaclu.org/KnowYourDA— received nearly 7,000 site visits. The ACLU of Louisiana also moderated two forums where candidates answered questions from formerly incarcerated people, activists, and crime victims.

Ahead of a crucial runoff election in December, the ACLU National office and the ACLU of Louisiana launched a paid media campaign, including radio advertisements and text messages, to educate voters on the stakes and mobilize people to the polls. The campaign included a 60-second radio ad, which reached approximately 718,000 people in the New Orleans media market, and text messages to nearly 30,000 voters. On December 5, Candidate Jason Williams, who pledged to combat racial injustice by ending all enforcement of personal marijuana possession and to never transfer children to adult court, became the Orleans Parish District Attorney-Elect.

## EXPANDING ACCESS TO THE POLLS

The right to vote is fundamental to our democracy, but here in Louisiana and across the country, politicians continue to engage in voter suppression, which makes it difficult for people—especially Black and Brown people—to make their voices heard. As voters headed to the polls during a deadly pandemic, the ACLU of Louisiana worked to defend the right to vote and ensure voters had the information they needed to vote safely and securely.

To make voting safer and easier during the pandemic, many states expanded access to vote-by-mail, but Louisiana's emergency election plan was woefully inadequate and needlessly forced people to choose between their health and their vote. As our allies at the NAACP and the Power Coalition for Equity and Justice fought this battle in the courts, the ACLU of Louisiana focused on public education and advocacy, working to make sure voters had the information they needed to cast a ballot safely and securely:

- The ACLU of Louisiana launched a Voter Information Center with registration and election dates, updates on our state's shifting emergency election plan, and answers to frequently asked questions for voters at-large, formerly incarcerated people, and transgender community members.
- On September 22, we ran a National Registration Day social media campaign featuring high-profile

- partners encouraging citizens to register to vote and get to the polls. Videos in Spanish and English emphasized that gender justice and racial justice were on the ballot.
- On October 30, just days before Election Day, the ACLU of Louisiana hosted a drive-in movie screening of *John Lewis: Good Trouble* at the New Orleans Convention Center, where we encouraged attendees to get to the polls on November 3 and vote down the ballot.



Maggy Baccinelli, Alanah Odoms, and Demario Davis at the ACLU of Louisiana's screening of John Lewis: Good Trouble

- On Election Day, we collaborated with the Lawyers' Committee for Civil Rights Under Law on a statewide election protection effort. Volunteer legal counsel staffed the 866-OUR VOTE hotline, where community members could call if they had problems at the polls.
- On November 19, we held a Post-Election Town Hall with special guest Judge-Elect Angel Harris, to reflect on the election results and outline the work ahead for supporters and volunteers.

#### BY THE NUMBERS

Created
8 ORIGINAL VOTER
EDUCATION TOOLS

Generated

1,545 INSTAGRAM

VIEWS on National

Voter Registration Day

Made one-to-one contact with **95 MEMBERS** 

Moderated
2 VOTING RIGHTS
FORUMS

Reached approximately
718,000 PEOPLE
through radio ads in
New Orleans

Sent emails to 6,300 ACLU SUPPORTERS in New Orleans

Garnered

Reached

112,159 LOUISIANANS

through digital ads

6,998 VISITS
to the digital District
Attorney Candidate
Dashboard





## FIGHTING FOR BLACK LIVES

Here in Louisiana and across the nation, the murders of George Floyd, Breonna Taylor, Rayshard Brooks, Trayford Pellerin, and countless others sparked a national uprising against police violence and racial injustice. The ACLU of Louisiana has been fighting for racial justice and police accountability for decades, and in 2020 we worked to protect the rights of demonstrators protesting racial injustice and launched new efforts to empower communities to end the epidemic of police violence.

#### VICTORY

In response to an appeal by the ACLU National office and the ACLU of Louisiana, the Supreme Court vacated a lower court ruling against Black Lives Matter activist Deray Mckesson that would have eviscerated the First Amendment right to protest.

#### JUSTICE LAB: PUTTING RACIST POLICING ON TRIAL

Louisiana has the highest policeto-resident ratio of any state, and the highest incarceration rate in the country. The state is a microcosm of the structural flaws that plague this nation's criminal "injustice" system.

As part of our work to dismantle institutionalized racism and reimagine the role of policing in our communities, this year the ACLU of Louisiana launched an intensive litigation effort called Justice Lab: Putting Racist Policing on Trial. Through Justice Lab, we've enlisted more than 45 private law firms and 18 legal clinics to help unleash a wave of lawsuits intended to hold police accountable for unconstitutional misconduct and stop racist policing.

Through direct legal representation and community advocacy, Justice Lab intends to form a historic partnership among directly-impacted people, communities, law firms, and legal clinics to challenge racially discriminatory policing practices in Louisiana. Together, we plan to investigate hundreds of cases over the next several years, and to represent plaintiffs in every corner of the state. Additionally, we are giving victims of racist policing the opportunity to participate in a storytelling effort that will empower directly-impacted communities and their families, as well as help advance our advocacy goals. Over time, we hope to establish a litigation, storytelling, and advocacy blueprint that centers directly-impacted people for every other state in the nation.

To date, more than 150 people have come forward complaining about abuse at the hands of police.

"The more individual civil actions we bring, the more we reinforce that Black and Brown lives matter—and that racially discriminatory policing will not go unchallenged."

– ACLU of Louisiana Legal Director Nora Ahmed





ACLU of Louisiana staff and volunteers at our first annual Children's March for Racial Justice

The ACLU of Louisiana recognizes that we will not be able to litigate all requests for assistance and that litigation is not the only way to change systems. As such, Justice Lab will work to uplift and support the voices of those directly-impacted by systemic racism.

In September, after an outcry over the New Orleans Police Department's use of tear gas against protesters attempting to cross the Crescent City Connection bridge, the New Orleans City Council voted to ban the use of tear gas in most circumstances.

We've already hosted two Justice Lab Virtual Town Halls to promote the effort, welcome feedback from community members, and center the voices of victims of police violence and their families. Last fall we hosted the family of Mr. Trayford Pellerin, who was shot in the back 10 times by police officers in Lafayette, LA, on August 21, 2020, while walking away from them and posing no threat. Family members shared their

fondest memories of Trayford as a loving son, nephew, and brother. They also shared their calls for reform, including making the body-camera footage public.

At the ACLU of Louisiana, we believe that stories have power, and we know that affirming the lived experience of impacted people must be central to everything we do.

We are working with community partners to develop a set of non-litigation support tools to help empower directly-impacted families and communities with information and opportunities to pursue other avenues for change. Each law firm in our first cohort has been given a case to begin working on, and our hope is to partner each with a directly-impacted person who will mentor the firm on hyperlocal cultural consciousness.

The ACLU of Louisiana continues to seek potential Justice Lab plaintiffs to come forward to challenge these unconstitutional police practices. People who have had negative race-based interactions with the police can contact the ACLU of Louisiana's Justice Lab by filling out an intake form or contacting justicelab@laaclu.org or (504) 522-0628.

#### ACLU OF LOUISIANA'S CHILDREN'S MARCH FOR RACIAL JUSTICE

On June 20, 2020, the ACLU of Louisiana hosted a Children's March for Racial Justice. Nearly 60 years after hundreds of children were injured or arrested as part of the Birmingham Children's Crusade, the goal of the Children's March was to provide a safe space for young people to learn about the Black Lives Matter Movement; develop the skills to identify and interrupt racism in their schools, neighborhoods, and communities; and make their voices heard about the future they want to build.







Alanah Odoms moderated a discussion at Tulane University with Kevin Richardson and Raymond Santana of The Exonerated Five

## COMBATING MASS INCARCERATION

Louisiana has the nation's highest incarceration rate, and while the 2017 Justice Reinvestment Package helped implement historic reforms, more work must be done to reduce the state's harmful reliance on incarceration. Though mass incarceration has always been unjust, the COVID-19 pandemic has reminded us that it's also deadly—for incarcerated people, and to our communities at large.

Throughout 2020, public health officials sounded alarms that prisons, jails, and detention centers would be hotspots for the spread of COVID-19—and that incarcerated people, staff, and surrounding communities would all be

at heightened risk. Social distancing is impossible in prisons and jails, where sometimes dozens of people are crowded into single cells. Additionally, many people in these facilities are in poor health and suffer from serious chronic conditions due to lack of access to healthcare in the community, or abysmal healthcare in the correctional system. Our long-running legal challenge to the egregious lack of medical care at Louisiana State Penitentiary has helped expose the inhumane and unsanitary conditions facing incarcerated people in Louisiana, who often lack access to adequate cleaning supplies and personal protective equipment.

And incarcerated people are not the only ones at risk of contracting COVID-19—corrections officers are also highly vulnerable. These employees return home each night, and they can unintentionally carry the virus back to their families and communities.

"COVID-19 has underscored the fact that mass incarceration is a public health crisis—and it's on all of us to fix it."

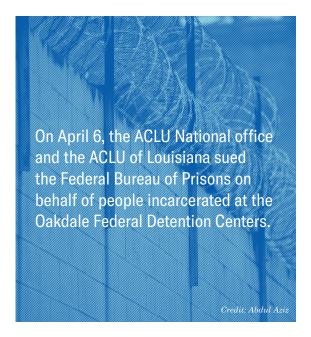
- ACLU of Louisiana Executive Director
Alanah Odoms



The ACLU of Louisiana, Operation Restoration, and Voice of the Experienced(VOTE), announce open records requests demanding transparency and action on pretrial detention.

"My biggest fear was dying and not being able to see my boys and my wife again. My second fear was getting sick just before I left, bringing it home and hurting my family. My fate fell completely out of my control."

 ACLU friend and volunteer Robbie Dennis, who was incarcerated at the start of the pandemic When Louisiana confirmed its first COVID-19 case on March 9, 2020, the ACLU of Louisiana launched into action along with many state affiliates across the country, fighting to decarcerate and protect incarcerated people in our overpopulated and unsafe prisons and jails. We sued Oakdale Federal Prison for the release of high-risk individuals and sent letters to Governor John Bel Edwards, sheriffs' offices, and chiefs of police to slow arrests and offer free hygienic supplies in prisons and jails.



The ACLU of Louisiana also worked to educate the public and engage the legislature around pretrial incarceration and mass incarceration in creative ways:

- We produced and leveraged video communications, including a public service announcement on our local NBC affiliate, WDSU.
- We launched a #JusticeCantWait social media campaign, featuring Louisiana families who were desperate to bring their loved ones' home.
- We held several COVID-19 Virtual Town Halls, where we shared our key findings on pretrial incarceration and encouraged supporters to sign our petition for release of high-risk persons.
- Finally, Executive Director Alanah
   Odoms appeared in countless speaking
   engagements and press interviews,
   including an appearance with Joy Reid
   on MSNBC, during which she spoke
   about our Justice Can't Wait report
   and the urgent need to decarcerate.

Despite our gains over the last several months in educating the public, resistance shown by Governor Edwards and the Louisiana Department of Corrections (DOC) to decarcerate amidst COVID-19 is a reminder of the barriers to transformational reform, and the resources we will need to overcome them.

In April, the state set up a Furlough Review Panel to consider 1,100 people incarcerated in state prisons for temporary release. It reviewed fewer than 600 cases and released just 72 people total—less than .2% of the total incarcerated community in state prisons. The ACLU of Louisiana sued for documents from the Furlough Review Panel in *Kaiser v. Myer*, and in late November, a judge ruled in our favor that DOC must conduct a thorough search for responsive records and certify that they have been searched for and produced.

#### VICTORY

On November 20, a district court judge ordered the Louisiana Department of Corrections to turn over all responsive records regarding its COVID-19 Furlough Review Panel.

The Furlough Review Panel documents are now posted on our website for public review. Most notably, the documents show there was no medical professional on the Panel, and the DOC did not follow its own protocols for considering furloughs. We will continue to work to hold the DOC accountable.

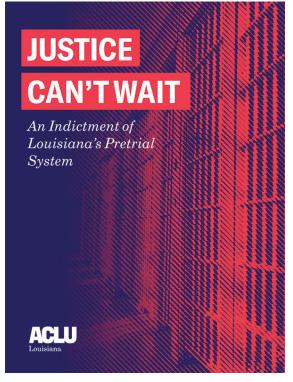


St. Bernard Parish Prison

#### JUSTICE CAN'T WAIT

On March 13, 2020, the ACLU of Louisiana released a report that was the culmination of two years of research and 105 public records requests to sheriff's offices in every Parish. Justice Can't Wait: An Indictment of Louisiana's Pretrial System, is the first report to tell the story of the pretrial system in our state.

Data from thousands of jail records showed that an estimated 15,000 people sit in jail waiting for their trial on any given day in Louisiana, simply because they cannot pay bail, at an annual cost of \$290 million to taxpayers. Their average length of stay is 5.5 months, and their median bail is \$24,000, while median income in Louisiana is \$27,000. More than half of the people jailed have their charges dropped, and 57% are arrested for low-level, nonviolent offenses. Racial



disparities shock the conscience, with Black men twice as likely to be jailed pretrial than white men, and Black men aged 15-25 being five times as likely to be arrested than white men. In Orleans Parish, Black men are 19.5 times more likely to be arrested. Louisiana's pretrial system favors the guilty and wealthy over the poor and innocent.

After collecting data, the ACLU of Louisiana endeavored to illustrate what this information means for the people and families it represents. Staff member and report author A'Niya Robinson held focus groups across the state with people whose lives had been upended by pretrial incarceration. A'Niya featured many of these stories, along with critical data, in our landmark report.

In 2021, the ACLU of Louisiana hopes to bring two bills to the Legislature. We seek to shorten the 45-90-day period that prosecutors may wait before deciding whether to charge a person who is held in jail pretrial. Additionally, we seek minimum reporting requirements for sheriffs on the people held in their jails, their lengths of stay, and their jail conditions, including the use of solitary confinement.

State lawmakers can also take action next session to bring Louisiana in line with 47 other states and provide more time for individuals to file lawsuits against officers who have violated their civil rights. Although we've heard from more than 100 Louisianans subjected to excessive force or racial profiling, in many cases, because the incident occurred more than a year ago, they are left with no legal recourse to obtain justice for the harms they suffered. Lengthening the statute of limitations on civil suits against police officers from one to three years may seem like

a relatively small change, but it would have far-reaching benefits for families and communities.

In the community, we are continuing to partner with artists, business owners, activists, directly-impacted people and other non-profit organizations to educate the public and policymakers by including pretrial data and stories into every event we have. Moving forward, we aim to conduct a thorough jurisdictional analysis of our pretrial data, as well as extensive community outreach in parishes that deny the right to a speedy trial and are outliers in the use of wealth-based pretrial incarceration, with the aim of identifying potential clients and informing legal action.



# CASE SPOTLIGHT: CHALLENGING CRUEL AND UNUSUAL PUNISHMENT

Tellis v. LeBlanc is the ACLU of Louisiana and Disability Rights
Louisiana's class-action suit against the Louisiana Department of Corrections and the David Wade Correctional Center (DWCC) in Homer, LA. The case accuses both entities of subjecting incarcerated people to cruel, debilitating conditions, including severe punishment for those suffering from mental illness and failing to have an adequate mental-health program in place to treat people with mental illness.

DWCC houses hundreds of people in "extended lockdown" cells for months on end. They spend 23-24 hours per day in a cell with little to no human contact, no ability to speak to their families, and no access to the outdoors or even a regular shower. Policy at the prison allows security staff to confiscate a person's clothes, property, and mattress for 30 days at a time with no hearing, leaving people in solitary confinement with only a paper gown and concrete bunk.

Incarcerated people on suicide watch at DWCC have been placed in a restraint chair, with their hands and legs cuffed in place, for days on end. One man died in

the restraint chair, with severe injuries over much of his body that could not have been self-inflicted. Another man, who was non-verbal due to his disabilities, was held in a cell without cool water or a cup during the worst heat of Louisiana summer until he died of heat exhaustion and dehydration.

The Constitution's ban on cruel and unusual punishment has been interpreted to forbid deliberate indifference to serious medical needs of incarcerated persons. Our claims in *Tellis v. LeBlanc*, which also include ADA and Rehabilitation Act claims, assert inadequate mentalhealth care is also a violation of the Eighth Amendment. Our goal is to change the use of solitary confinement as punishment statewide, and implicate prisons, starting with DWCC, to provide adequate mental-health services under the Eighth Amendment.

A jury trial has been scheduled for January 2021 in our case, and as we prepare for trial, we will remain staunch advocates for ending the use of solitary confinement and challenging cruel and unusual punishment of incarcerated people.

#### DEFENDING IMMIGRANTS' RIGHTS

In Louisiana, 12,000 immigrants are detained at six of the nation's largest 20 detention centers. Five of those six are owned by private prison operator, LaSalle Corrections.

At the end of January 2020, our legal team won the release of Manuel Amaya Portillo, a disabled asylum-seeker who was being detained in Winnfield, LA, and then Jena, LA, at times without access to a wheelchair or bathroom that he could use. We initially met Mr. Portillo during a fact-finding visit to an ICE detention facility, where he shared that when inspectors came to the facility, he was medicated and put in solitary confinement so that he could not express that he was being denied needed services. Mr. Portillo faced persecution in his home country of Honduras due

to his disability and was being denied accommodations and sufficient medical treatment in detention. Because of our intervention, Amaya Portillo is spending his humanitarian parole with a sponsor in New Jersey while his case proceeds.

The ACLU of Louisiana and Southern Poverty Law Center have filed a class action case (*Heredia Mons*) against the Trump Administration's Department of Homeland Security and ICE for categorically denying release to hundreds of people who are languishing in immigration prisons after lawfully seeking asylum in the United States. In 2019, we won a preliminary ruling, in which a federal judge ordered the Trump Administration to immediately restore access to parole for asylum-seekers.



ACLU staff with Manuel Amaya Portillo after his release from detention

In an effort to deepen our impact on this critically important area of law, the ACLU of Louisiana plans to hire an immigration lawyer. In addition to our continued work to end detention and deportation for thousands of families in our state, we will also aim to include the Latinx community in our Justice Lab initiative, and challenge unlawful stops and fabricated reasonable suspicion by members of the Baton Rouge border patrol office.



## BANNING RACIST SURVEILLANCE TECHNOLOGY

In recent years, state and federal law enforcement agencies have dramatically expanded the use of intrusive and racially biased surveillance technologies, such as facial recognition. These mass surveillance systems threaten people's right to privacy, chill free speech and assembly, criminalize communities of color, and abet ICE's anti-immigrant agenda, all with no reduction in crime.

Louisiana—and especially New Orleans—has experienced this mass deployment of surveillance technology firsthand.

The ACLU of Louisiana works proudly as a member of the Eye on Surveillance Coalition to defend Louisianans' right to privacy and combat the use of racially biased surveillance technologies.

In 2019, we joined the Southern Poverty Law Center in filing suit against the City of New Orleans over its refusal to provide a map of the city's 400 real-time surveillance cameras. We argued that the city's stonewalling was hindering public defenders' ability to represent their clients—and the courts agreed. Following a court order to disclose the camera locations, the city has released a map of the New Orleans surveillance cameras, which is available online.

Through the years we've worked tirelessly to educate policymakers about the harms of facial recognition, which has been shown to misidentify Black faces and increase the risk of wrongful arrest. Earlier in the year, we helped

expose the fact that the City of New Orleans had been secretly using facial recognition technology for years—despite their claims to the contrary.



New Orleans has released a map of its surveillance cameras, which is available online.

Then, in December, we were able to achieve a historic victory as New Orleans became only the second city in the South to ban facial recognition systems, as part of an ordinance that also banned racially biased "characteristic tracking" software, "predictive policing" algorithms, and cellular-site simulators. The ordinance, authored by former Councilman and newly-elected District Attorney Jason Williams, is a testament to the sustained efforts by our partners at the Eye on Surveillance Coalition to sound the alarm about the risks of these intrusive technologies.

#### VICTORY

In December, the New Orleans City Council voted to ban the use of facial recognition technology.

#### YOUR IMPACT

As an ACLU of Louisiana supporter, you have joined a movement of people fighting for a more just and equitable Louisiana for everyone. Throughout this challenging year, donors, corporations, and foundations have met our rallying cry for racial justice with historic investment in our Black-led organization. Your support has empowered the wins outlined in this report. Thank you for believing in us.

The ACLU's fiscal year is April 1 - March 31. With two months still left in Fiscal Year 21, we've already seen a 25% increase in total gifts and pledges over Fiscal Year 20. Already, you've collectively contributed an astounding \$1,323,280. The ACLU National office also invests generously in our affiliate through grants and other mechanisms of support.

#### **HIGHLIGHTS**

Total in gifts in pledges: \$1,323,280

Number of donors: **8,607** 

Average gift size:

\$73

(up from \$43 in FY20)

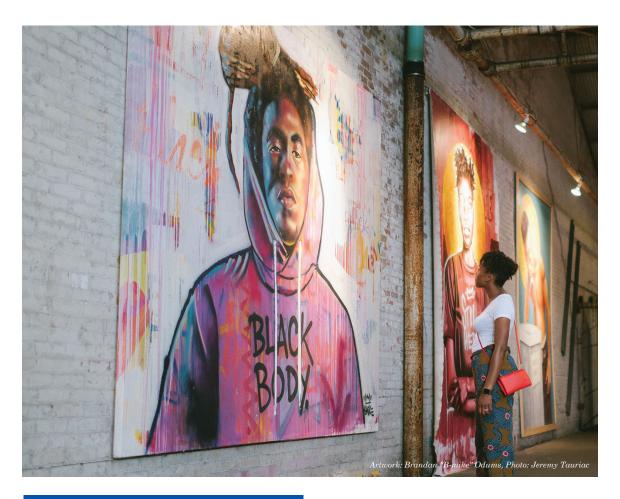
Largest gift size: \$140,000

(up from \$75,000 in FY20)

Give NOLA Day Campaign totals: \$80,011.22 FROM 623 DONORS

100%
Board and Staff
Giving Participation

Number of supporters: **68,068** (supporters include those who've given, volunteered, attended events, and joined our listserv)



#### Special thanks to our corporate and foundation partners:

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Every gift, no matter the size, makes an impact on the ACLU of Louisiana's ability to protect lives and safeguard democracy. We are humbled by your meaningful support, and look forward to strengthening our relationships with you, and building a better future, together.







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People

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