ENLIGHTENED ENFORCEMENT | PART 2

The People of Diversion

By Patrick Flanagan

When it comes to the people caught up in our criminal justice system, the first 24 hours are the most crucial. From the second a person is locked behind bars, a countdown is underway for them to get released from jail in 24 hours or less. It’s an unnecessary yet very real race against time — one that’s run daily by a group comprising mostly decent people whose biggest crime is being guilty of poor judgment, addiction or mental illness.

For those with the resources to beat the clock and post bail within that 24-hour window, chances are they’ll likely never be back. In those 35 years, the federal inmate population has grown from 24,640 to a June 2015 count of 208,388. Nearly 6,000 of these inmates are housed in federal facilities here in Louisiana. Locally, the inmate population living under the watch of the Lafayette Parish Sheriff’s Office is around 1,600 offenders. Well over 900 of these are inmates imprisoned in the Downtown jail. Three-quarters of these people are in jail over a simple misdemeanor, and about 60 percent of these inmates are still considered innocent — their stay will be spent awaiting their day in court to finally see whether they’ll be charged with a crime or released onto the streets after three months in jail. For the unfortunate majority, this means a crash course in crime thanks to the all veterans in the field who tend to hang out in jail with nothing to do and loads of time to kill.

This problem is major, not just for the people who manage to get out before 24 hours passes, even when arrested for the same crime.

It’s like walking through a college campus — that feeling of being smarter just by exposure alone. Jails are the same: Hang out in one long enough and you’ll come out just like a legit academician; another jailhouse graduate with a degree in the criminal arts. All the data show it’s true: Spend more than 24 hours in jail, and you’re four times more likely to be reincarcerated somewhere down the line.

Since 1980, the federal prison system has exploded. In those 35 years, the federal inmate population has grown from 24,640 to a June 2015 count of 208,388. Nearly 6,000 of these inmates are housed in federal facilities here in Louisiana. Locally, the inmate population living under the watch of the Lafayette Parish Sheriff’s Office is around 1,600 offenders. Well over 900 of these are inmates imprisoned in the Downtown jail. Three-quarters of these people are in jail over a simple misdemeanor, and about 60 percent of these inmates are still considered innocent — their stay will be spent awaiting their day in court to finally see whether they’ll be charged with a crime or released onto the streets after three months in jail. For the unfortunate majority, this means a crash course in crime thanks to the all veterans in the field who tend to hang out in jail with nothing to do and loads of time to kill.

This problem is major, not to mention crazy expensive. It’s also not without a solution.

Here in Lafayette, we’re demonstrating how this solution is beneficial to the whole community. And we’ve been using it for almost 10 years, ever since Sheriff Mike Neustrom put his experiment in diversion programming into motion. As you may have read in part one of this series (our May cover story), Neustrom’s approach is not the norm — in Louisiana or for most of the nation — but it is the future of the American criminal justice system; and it is slowly starting to spread.

So who are the people of diversion? They’re people like Gerald Joubert, Spurling Prejean, Carl James Harrison, Tyler Solomon: They’re our fellow Hub- citizens, our neighbors. They’re good people, smart, spiritual, driven and hopeful about their futures. Like all of us, they just want to better their lives and their community. Probably the only real difference is that unlike the majority of us, their path up the ladder is being guided by our local criminal justice system. And their lives have all been changed for the better because of people like Neustrom and those he’s brought into his administration over the last 16 years to use diversion programming as a way to help society’s less fortunate successfully get off the streets and into society.

From the moment you meet them, you can see in it the eyes of those whose lives it’s impacted. I’ve seen it. I’ve studied it. And yes I’m a believer. The diversion approach to corrections is the future. And here’s something else for all you armchair preachers out there: It’s also the moral thing to do.

But now that four very different candidates are vying for Neustrom’s job as sheriff, the diversion experiment is very much in jeopardy. As put by Rob Reardon, Neustrom’s director of corrections, in part one of this series: The next sheriff can either build on what’s been done or he can dismantle it all in a day.

GERALD JOUBERT

At age 55, Gerald Joubert is a vastly different person than he was just two years ago.

Back then, Joubert was still living under the grip of his addiction and a long-time addiction to hard drugs. For the last 20 years of his life, he’d been trapped within a revolving door going in and out of jail, prison, back on the streets, repeat.

In September 2013, those hard-living days came to an end with an order from Judge Jules Edwards — a vocal advocate for the spread of diversion within our criminal justice system. Edwards’ sentence that day: that Joubert immediately report to LPSO’s Community Corrections Campus for drug addiction treatment and the Alternative Sentencing Program. For Joubert, this would be life-changing.

"I'd just been arrested and charged for possession when I entered this program," Joubert tells me from inside the fluorescent classroom where we sit and talk. Joubert is a Level 3 within ASP. That means he’s in a more trusted role than, say, a Level 1 offender. It also means that in addition to meeting all his program requirements, he’s taking night classes and working a full-time day job driving 18-wheelers for Brinco Trucking out of Duson.

Joubert’s professional. He’s clean, sharp and spiritually reborn. His eyes reflect back a man with hope and self-respect.

[Editor’s Note: This is the second story in an ongoing series The Independent hopes will help voters understand the important decision they will make in the Oct. 24 election to replace retiring Sheriff Mike Neustrom.]

RECIDIVISM

This data from Louisiana DOC shows that an inmate’s chances for recidivism steadily increase with each additional incarceration.

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<tr>
<th>YEAR</th>
<th>INMATES RELEASED</th>
<th>RETURNING IN 1 YR</th>
<th>RETURNING IN 2 YRS</th>
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[SOURCE: March 18, 2014, "Recidivism in Adult Corrections" report by the Louisiana Department of Corrections]
It's not what you’d expect from someone who spent so much of his life either in jail, prison or out on the streets where he’d smoke crack and drink hard until his next “downtime.”

“I spent a long time in incarceration, over 15 years in five different prisons,” says Joubert. “Being in jail, everything stops. You’re at a standstill. It took time for me to grow spiritually, but I learned these basic principles, moral principles. Before, I’d be out in the street high and hustlin’, Now I’m rested, I’m not on drugs. This offers you the support you need to support yourself. Yes, we’re partly incarcerated, but we still have the opportunity to stand on our own and provide for ourselves.”

Joubert has embraced ASP. The program, which has given him the skills needed to function in society, allows him to spend his nights at home. But he’s quick to tell you it’s not been easy. In fact, it’s damn tough.

“You’re expected to find a job, stay clean, meet with your case manager, attend class if you’re scheduled, be where you’re supposed to be.”

Joubert’s two years in, and he says he’s feeling pretty accomplished. He can look to the future now and see good things.

Five years down the road from now?

“I see myself with a good job, I’m on my way to owning my own home, my own land and my own rig,” he says. “I’ll have savings, a checking account; being able to pay bills, having life insurance, health insurance.”

**[CARL JAMES HARRISON]**

For Carl James Harrison, it was a misdemeanor arrest for theft that landed him in the parish jail in January. Unable to make bail, Harrison spent the next three months behind bars.

“It’s not comfy,” he says of the experience. “The thing I hate most about jail is when they handcuff you and bring you down that hall and say that’s your roommate, slam the door and then all hell breaks loose. Can’t do nothing but hear that noise. It would make me just say, ‘Lord, get me out of here.’ Honestly, I was really scared because of my lifestyle.”

Harrison is an openly gay black man. He’s 50. He’s from Lafayette. And like Joubert he’s sharp, well-spoken and spiritually recharged.

He too has hope-filled eyes.

“I just kept praying, ‘Lord please get me out of here,’” Harrison recalls. “But I stayed in for three months, and it was the longest thing I’ve had to do. I thank God the program finally came up.”

He remembers the day his prayers came true, the day he got the news he’d be getting out, going home — that he’d be getting a second chance, at an education, at life; a chance to change the course of his future.

“I remember he said they’ll work with me and get me in this program that would help me better myself, get my GED. I was like, ‘Yes,’ and right there’s where I told myself I would stick with it. I don’t want to ever be back in that cell, and this place is not a cell. It’s like a home. Here, you have to come in, take your drug test, go to all

**SHERIFF CONTINUED ON PG 10**
If the bombastic David Vitter ascends to the governor's office, who is his likely replacement in the Senate?


Recent polls indicate that, barring a calamity of Biblical proportions, Vitter will gain enough votes to advance to the second round. The identity of his opponent in the runoff, however, is less certain.

Edwards, who leads the Democratic Caucus in the House, runs second in that Edwards's campaign faces, there is some chance an insurgent Angelle or resurgent Dardenne may slip past him on the strength of independent voters and the real disdain with which some Republicans hold for Vitter. Thus, it is the political juggernaut that is David Vitter, combined with the candidacies of Angelle and Dardenne and the slim but real possibility of a Republican versus Republican runoff, that make this year's contest for governor so riveting.

A hotly contested race of uncertain outcome always produces a number of secondary themes or items of interest for those who derive their entertainment from thinking about politics. One of the more intriguing sidelines to this year's race for governor concerns Vitter's current Senate seat. Although Huey Long served as both governor and senator after ousting Joseph E. Ransdell in 1930, ours is a more litigious (if not saner) age, which suggests that Vitter would gain his desire to view Louisiana from the commanding heights of the Capitol's 4th floor, he must resign his Senate seat.

Vitter's likely victory in the governor's race and departure from the Senate has had quite an effect on the political class in Louisiana, there being nothing which serves to raise the blood pressure of an aspiring politico so much as an unhindered Senate seat. To add additional zest to an already fascinating scenario, a Gov. Vitter would have the power to choose the person to serve out the rest of his unexpired term, until an election could take place in 2016.

Current speculation focuses on two related questions: Who would this short-term replacement be, and who has the best chance of being elected to fill Vitter's seat in 2016? The number of people well-positioned to win a Senate contest in Louisiana is fairly limited, because the resources necessary for such a contest are possessed by very few. The most likely place to look for future senators is in the House of Representatives. Lyndon Baines Johnson once quipped that every senator looks in the mirror and sees a president. But while senators are likely to be disappointed in that regard, according to statistics compiled by Eric Ostermeier of the Humphrey School of Public Affairs, congressmen looking in the mirror and seeing a senator have more reason to be optimistic. Ostermeier reports that 53 of the 100 senators today were previously members of the House, the most since at least 1899; congressmen are particularly successful when campaigning for an open Senate seat.

The second wellspring of candidates for U.S. Senate seats are those holding statewide office. In Louisiana, these officials have a double advantage in that they can retain their state position while campaigning for a federal post, quite unlike former congressmen John Cooksey, Jimmy Hayes and Chris John, who learned too late the inadvisability of giving up safe House seats to pursue their ambitions in the Senate. Statewide elected officials have obviously already run statewide campaigns, an advantage that enhances their name recognition with Louisiana's 2.9 million voters and connects them with all districts and regions. This compares to the roughly 765,000 voters that make up each congressional district.

Assessing the prospects for a 2016 race for Vitter's Senate seat, four Republican politicians seem likely to run: Republican U.S. Reps. Charles Boustany of southwest Louisiana (3rd Congressional District) and John Fleming of northwest Louisiana (4th); state Treasurer John Kennedy. Former Congressman Jeff Landry, who is campaigning hard for the state attorney general position, and Senate also-ran/retired Col. Rob Maness are two less certain candidates.

Other members of the Louisiana congressional delegation are less likely to run. Steve Scalise is enmeshed in the House leadership, while newly minted congressmen Ralph Abraham and Garrett Graves (Districts 5 and 6, respectively) are too green. District 2 Rep. Cedric Richmond is a Democrat in a state that no longer elects Democrats to statewide positions. Similar problems limit the electability of New Orleans Mayor Mitch Landrieu, who would face the same devastating attacks that doomed his sister's chances against Bill Cassidy.

In the end, the question comes down to Vitter: What will he do with the opportunity to name a successor? Will he take this opportunity to put a lasting stamp on his Senate seat by naming someone likely to seek the seat permanently in the 2016 election? He has nothing to gain, and quite a bit to lose, by not naming a potent successor. By naming a successor, he vastly increases the chances he will be succeeded by someone with whom he is ideologically compatible. Such a person would, of necessity, be a Vitter supporter and might remain "his man" for some time as well.

With these points in mind, I expect Vitter to select Fleming as his heir and replacement should Vitter win the 2015 race for governor. There are a number of reasons for this. Fleming is ideologically similar to Vitter, he isn't likely to second-guess Vitter's work as governor (as Vitter has been wont to do with Jindal), like Vitter he's a tea party favorite, and he shares the cantankerous streak that has characterized Vitter's tenure in the Senate. Finally, Fleming is unlikely to jump the rails and head off in his own direction.

Adding support to this analysis, Vitter has not shied away from picking favorites (and making enemies) in the past, as when he announced his support of Billy Nungesser against Jay Dardenne in the 2011 lieutenant governor's race. Vitter doesn't (and won't) see the need for neutrality: He doesn't need to. So, despite having endorsed Vitter for governor, Boustany and Kennedy shouldn't count on him returning the favor. Neither politician is as similar to Vitter as Fleming, and both are likely to resist being Vitter's "man" in the Senate. Vitter was instrumental in electing Cassidy in 2014, and the election of Fleming would provide him with two solicitous senators from Louisiana.

If Vitter does name Fleming to succeed him, he gives him an enormous hand-up in the election in 2016. During his year of incumbency, Fleming can introduce himself to voters statewide; he can direct federal largess to key regions, and he will have the potent support of newly elected Gov. Vitter, including access to Vitter's fund-raising network. He would thus go from being the least-known candidate in a three-way race to being the frontrunner.

Where does this leave Boustany and Kennedy? It would leave Boustany less likely to leave his safe 3rd District seat to challenge Fleming, although he could probably win in a fair fight. For Kennedy, running remains a good option because he risks nothing. He could run for the Senate, lose, and then go on to serve indefinitely as state treasurer. Having spent the last four years of the Jindal administration as its most vocal and biting critic, Kennedy could simply transfer his rancor to the new occupant of the mansion.

Although it is tempting to speculate about the outcome of a three-way election between Fleming, Boustany and Kennedy unfiltered by an interested incumbent, Vitter will likely appoint Fleming to fulfill his remaining term in the Senate and irrevocably change the dynamics (and outcome) of the 2016 race.

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your classes and then your case managers work with you, show you what to do. Each night we get to go home after class, cook, cut the grass and then come back the next morning and do it over again. It keeps me off the streets, because that is where I was before."

Harrison recalls first entering ASP, when walking was his sole mode of transportation. Harrison’s case manager asked one day if there was anything he needed. Guidance? Any assistance? Finding out he’d been going to and from campus every day by foot, trekking more miles than many walk in a week, Harrison’s counselor responded the next day by giving him a bicycle. “That’s how much they love us and want to see us do better through this program,” he says. “They really do.”

“I want to be here. Here you can work, talk to your case manager, go to lunch. There are expectations. I’m glad they sent me here, because I have a responsibility now, I have freedom. I’ve learned to respect myself, walk with my head up knowing I’m free and I’m in the program; that’s my family, and I’ll continue coming here.”

TYLER SOLOMON

Tyler Solomon is 22 years old. She’s soft-spoken. She’s a mother. She’s also been in and out of jail on two occasions in recent years. And like her fellow ASP classmate, she’ll tell you jail’s no place to be. “To be honest, it sucks,” Solomon says of the experience. “People just don’t like you for no reason. I was there for about a week the first time. The second time I was there for three weeks. First was for stealing and then for a mental illness-related issue. If it wasn’t for this program, I would still be suffering from my mental issue. I’m truly thankful I have someone like my case manager to work with me on my life.”

She’s learning basic skills she somehow missed out on. She’s becoming a better parent, learning the beauty of a budget, how to maintain a checking account, as well as an assortment of other training offered through LPSO’s Community Corrections Center.

“Since I came to this program they’ve been helping me keep away from the bad things in life, helping me get my GED,” says Solomon. “They’ve helped me realize I have people I have to support. I’m 22 years old, and I’ve got a young one to think about and take care of.”

She arrived at ASP last year, and though there’s no end date in sight as to when she’ll become a graduate — “it’s to be determined” — she’s OK with that. Like her classmates, she too enjoys her time on campus, bettering herself through everything offered by ASP.

“I like it because it gives me the chance to play with my kid at the end of the day,” she adds.

Asked where she hopes to be in five years: “Married, still having one kid, a nice house, happy.”

S PURLING PREJEAN

Spurling Prejean is in his early 30s, recently engaged.

And he’s a father.

That’s what landed him in jail in fact; that and a string of bad luck: lost job, money problems, unable to pay his monthly child support for his four young kids. The state took one away and Prejean soon found himself behind bars, locked up in the parish jail.

Prejean tells me he’s also battling a weed addiction. So far he’s winning, thanks to the program, he adds. Prejean’s enrollment in alternative sentencing was the result of a judge’s order in late March.

“Don’t take nothing for granted,” Prejean advises. “While incarcerated, that’s where I really found God.”

Like Joubert, Prejean has a day job in construction, building houses with Galloway Construction. He’s been doing this on and off for about 15 years.

As he knows so well, construction has its highs and its lows. Prejean sees ASP as a game-changer. It’s a way up to the next level, an education, better job, more money and a better life with more opportunities for his kids.

“I’m in here for a GED. I didn’t finish high school,” Prejean explains. “I quit. So my goal is to finish my GED here so I can get a better job and better take care of my family.”

That’s why he and his fiancée have yet to set the big date. He says before that can happen, he must first graduate from ASP.

And where does he see himself down the road in five years? “Married, building my own house, running my own construction company — I love construction work — and being a good teacher to my kids and a lot of these other youngsters out there.”

AFFEET PART 1 OF THIS SERIES HITS STANDS last month, we received a poignant comment from Judge Jules Edwards of the 15th Judicial District and immediately set up a meeting with him. In addition to handling the court’s drug cases, Edwards also plays a big role in the promotion of LPSO’s diversion programming. He’s an advocate because he knows it works. He’s also aware of the potential threat for diversion’s piecemeal unraveling by Lafayette Parish’s next elected sheriff. According to Edwards, it’s all about screening inmates at the point of intake into the jail to determine their individual level of risk; what former New Jersey Attorney General Anne Milgram calls the “smart statistics” or a “moneysballing” approach to fighting crime.
These research-based screening models are essentially used to determine if an offender is in need of intervention as a means for reducing recidivism, as well as the individual risk level they pose if released early. It’s essentially providing a research, data-based answer to the simple question: What is the likelihood this individual will commit another crime if released and allowed to await their trial date from home?

Like many who work closely in our local criminal justice system, Edwards is deeply concerned about the future — the future of the diversion programs, our criminal justice system and ultimately our community. Though his position on the bench prohibits political endorsements, Edwards does say that electing the wrong candidate to replace Neustrom will have lasting repercussions for decades to come.

“The elimination of the Alternative Sentencing Program, or to end any of these diversion programs, would increase crime and it would increase expenses. To end these programs endangers public safety and would be an incredibly fiscally imprudent decision,” Edwards says. “This sheriff came in and selected people who were very skilled in their areas of expertise. He trained his staff to understand evidence-based practices. So if we get a new sheriff who comes in and says, ‘We’ll just start locking them all up again,’ well, while they’re in there, what do you think they’ll be doing with their time? The answer’s easy: They’ll be in those cages talking to one another. You’ll have dangerous people with non-dangerous people, or hustlers with non-hustlers. And let me tell you: Bad rubs off on good much more than good rubs off on bad.”