

Helena Moreno, At-Large - helena.moreno@nola.gov
Donna Glapion, At-Large - donna.glapion@nola.gov
Joe Giarrusso, District A - joseph.giarrusso@nola.gov
Jay Banks, District B - jay.h.banks@nola.gov
Kristen Palmer, District C - kristen.palmer@nola.gov
Jared Brossett, District D - jcbrossett@nola.gov
Cyndi Nguyen, District E - cyndi.nguyen@nola.gov

Sept. 20, 2021

Dear Council President Moreno and Members of City Council,

We the undersigned are deeply disturbed to have recently learned that a “reality” show has been filmed inside the Orleans Justice Center, and will be premiering on Netflix this week. Anyone with a basic understanding of reality television knows that production crews push for over-the-top and salacious content, and will edit the material to cast a certain shade over the situation. As troubling as the content may ultimately be, perhaps more important is the violation of public trust this production presents.

An article in The Lens reported that Sheriff Gusman twice communicated to lawyers at the MacArthur Justice Center that the production had been “shut down and terminated.”¹ Similarly, an article in The Advocate reported that attorneys at Orleans Public Defenders were not aware of the production, which was filmed near (or including) many of their represented clients.²

Representatives of the jail stated that Sheriff Gusman could not participate in an interview due to terms of the agreement with 44 Blue Productions LLC.³ Does this imply that an outside corporate entity holds authority over what a public official does inside a publicly owned facility that includes public employees and people being detained by the public?

Labor of incarcerated people has been publicly called into question since the days when slavery morphed into chain gangs. Today, people earn as little as 12 cents per hour, have no OSHA protections, are disciplined for not working, or have the government taking up to ⅔ of their paycheck. “Jailbirds” raises serious questions about whether the stars of the show are being appropriately compensated. For comparison, Taylor Schilling, star of Orange is the New Black, reportedly earned \$35,000 per episode.

Research on human subjects requires particular protections in place for incarcerated people.⁴ This includes a review by a qualified Institutional Review Board (IRB) such as those at Tulane, LSU, Loyola, and Southern. The IRB requires a “prisoner advocate” to assess whether there are proper protections regarding informed consent, and if the subject is being persuaded, pressured or punished in relation to

¹ Chrastil, N., The Lens, “Orleans Sheriffs office criticized for allowing ‘gritty reality series’ to film inside jail,” (9/16/21)
<https://thelensnola.org/2021/09/16/orleans-sheriffs-office-criticized-for-allowing-gritty-reality-series-to-film-inside-jail/>

² Sledge, M., The Advocate / Nola.com, “Netflix ‘Jailbird’s: New Orleans’ touts ‘scandalous’ look at women behind bars; critics dismayed,” (9/16/21)
https://www.nola.com/news/courts/article_39635d1c-171c-11ec-973c-af96beeccef7.html?fbclid=IwAR2XKVEeKfMFPw1JnqYE9aF5XgTzLF0Eb9BJXNtK1C3eEcAbM3Lx-i9nHQo

³ The Advocate

⁴ 45 CFR 46, et. seq.

their choice to participate or not participate. Additionally, the IRB needs to assess whether the incarcerated people are doing anything that can be detrimental to them.

We call on City Council to hold a public hearing to demand and assess the following:

1. **Follow the money.** A full accounting of money made through this show, including any potential bonuses, future payments, or future promises towards Sheriff Gusman, all staff within OPSO, any family members or friends who may have received any form of compensation with the show.
2. **Voluntary and informed consent.** What promises or compensation was made to people who agreed to be “stars” or “extras” on the show?
3. **Health and Wellness.** Were any people with any illness (including mental disabilities) induced to participate in the show? Were the OJC mental health providers consulted in the making of this show?
4. **Exploitation.** Were people compensated at prevailing wages for participating in a TV show? Who profited off the show which is based on the trauma, struggle, wit and wisdom of incarcerated people?
5. **Legality.** Does OPSO have the authority to produce and televise a show that is set in a public building? Does the Sheriff need to comply with outside agreements with a production company when this show was filmed on city property?
6. **Right to counsel and due process.** Were any people pre-trial and represented by counsel? Were any incriminating statements or activities made that could jeopardize the freedom, including parole decisions, in the making of the show? Were any promises for shorter sentences, or parole, made to incarcerated people?
7. **Notice.** Who knew about this production? Any other elected officials? The State Ethics Board? Judges at Orleans Criminal District Court? Department of Corrections? Probation and Parole?
8. **Access and Location.** In which pods was this show filmed, and how does this impact the current controversy over rehabbing the jail to include a mental health triage area?
9. **Standards.** What does this production mean for our city moving forward? Are other agencies free to create their own shows? Are incarcerated people free to produce their own shows? Are city properties free to be used as filming locations? Are production companies free to hire incarcerated labor?
10. **Goals.** What is the goal of our criminal legal system, from police to prosecutors to deputies and all citizens of New Orleans? Do we want to use addiction, abuse, mental illness, poverty, trauma, and other “scandalous” systemic issues as our pornography and entertainment?

We call on you to take testimony from the public, and request testimony from Sheriff Gusman, OPSO staff, Orleans Public Defenders, MacArthur Justice Center, Judge Lance Africk and consent decree monitors, Mayor Latoya Cantrell, New Orleans Film Office, Louisiana Board of Ethics, and 44 Blue Productions LLC.

Sincerely,

Voice of the Experienced
Orleans Parish Prison Reform Coalition
Women With a Vision
Power Coalition
Promise of Justice Initiative
Re-Entry Mediation Institute of Louisiana

StepUp Louisiana
Voters Organized to Educate
ACLU of Louisiana
Louisiana Center for Children's Rights
Orleans Public Defenders
Rep. Mandie Landry (D-91)
Alison McCrary, Esq.
Prof. Andrea Armstrong, Loyola College of Law*
(*institution provided solely for identification purposes)