

MIXED MEDIA || BRIEFING DOCUMENT FOR ARTISTS

Revised May 15, 2018

This is an overview of key issues associated with the two Mixed Media topics: 1) the court system, and 2) water infrastructure. As you'll see below, we've provided bullet points and links to news articles and the briefest of introductions to big topics that folks working in these fields wrestle with each day. We've sought to provide larger groupings. There are, of course, a wide range of paths to follow as you explore this material.

You might try to go from the general to the specific, or hone in on a single story or experience, and see how that connects back out to other issues. The Blue House team is here to support you in that exploration. At our initial dinner workshops, we'll invite a few other people who work in these fields, and ask them to join us in conversation, and we'll follow up with additional resources based on the conversation.

WATER INFRASTRUCTURE

In thinking about water infrastructure in New Orleans, it's helpful to think about the Mississippi River and the Mississippi River Delta, and the fact that the land upon which we live is more a mix of soft soils and water than it is solid ground. The flow of water and the deposition of soils by the river and its distributaries over millenia created the delta that makes up so much of the Louisiana coast. That same land is under threat today, as we have sought to control both the river and rainfall in order to prevent flooding in. The construction of networks of levees, floodwalls, pipes, and pump stations to control the flow of water has made life as we know it possible. It has, however, also been the primary cause of subsidence in New Orleans -- the sinking of land -- in a place where every inch of elevation is precious. These systems have also a dramatic effect on residents' understanding of the risks associated with living in a low-lying, hurricane prone region such as southeast Louisiana.

- [Coastal land loss, coastal restoration](#) -- Since 1932, we've lost nearly 2,000 square miles of land. Causes include river levees that starve the delta of sediment, oil and gas canals that allow for saltwater intrusion, and wave erosions and subsidence from groundwater removal.
 - The Coastal Master Plan - One of the key elements of the current Coastal Master Plan involve mimicking natural land building processes through [controlled diversions that deliver substantial amount of river-borne sediment into wetlands and bays](#).
 - [Lafourche Subdelta](#): most recently abandoned branch of the Mississippi River delta that scientists focus on to understand how the MS River delta evolved.
 - [Accounting for Climate Change](#): Coastal Louisiana is experiencing some of the highest rates of relative sea level rise due to a combination of subsidence and rising seas.



- **[Hurricane protection, risk reduction system, evacuation](#)** -- After Katrina, Congress gave the Army Corps of Engineers \$14.5 billion to upgrade and finish the storm surge protection system. This system is key part of how we think about risk and vulnerability, and how we create policies that determine where people can live and [how much they have to pay for flood insurance](#). Critical, too, is how we [plan for evacuations](#), given the emergency response failures that made the impact of Katrina so devastating, and particularly for the elderly, the sick, and those without personal vehicles.
- **Urban pluvial flooding, subsidence, Urban Water Plan**
 - **[Pluvial \(Rainfall-caused\) Flooding](#)** -- An average of five feet of rain falls annually in New Orleans. Rainfall is managed by gutters, storm drains, pipes, culverts, and high-powered hydraulic pumps. Excess runoff from the city's many paved surfaces flows by gravity to the city's low points, where pump stations have to lift that water up so that it can then flow by gravity into Lake Pontchartrain, which is at sea level.
 - **[Subsidence](#)** -- the steady sinking of the city caused by the drying and compaction of the soils it rests on. Urban subsidence cannot be reversed, but engineers and planners can reduce and possibly eliminate further sinkage by slowing the movement of runoff across the city and storing as much water as possible on the surface and allowing it to infiltrate into the ground.
 - **[Urban water infrastructure -- storm drains, pipes, canals, pump stations](#)** -- The Urban Water Plan seeks to address flooding and subsidence by shifting towards "living with water." Despite the size of our forced drainage systems, the intensity and volume of rainfall mean that New Orleans continues to flood with heavy rains, while attempting to pump all of that water out causes the city to sink. Increasingly, the city will be turning to approaches that rely less on pumping on more on "green infrastructure."
 - **[Greater New Orleans Urban Water Plan](#)** -- A comprehensive water plan for New Orleans, as well as Jefferson Parish and St. Bernard, that urges the city to rethink stormwater management by mimicking the way Dutch cities deal with water through interventions that slow, store, and filter stormwater.
- **[Resilience and the Gentilly Resilience District](#)** -- The city is undertaking an ambitious water infrastructure project designed to retain and more sustainably manage water in Gentilly, formerly sub-sea level swampland that is now an suburban area of single-family homes. This effort has received \$141 million in funding from the federal government, and a number of projects are about to start this year. Projects range from "blue-green corridors" to a 25-acre "water garden" to a "community adaptation program" that encourages individual homeowners to address runoff from their own properties.
- **[Water quality](#)** -- the Sewerage & Water Board of New Orleans is responsible not only for managing stormwater, but also for collecting and treating wastewater before releasing it back into the river, as well as collecting and treating water from the river in order to create a drinking water supply for the city. Thus, the quality of the water we drink is tied to the effluents of cities upstream, just as the waters we release into the river, Lake

Pontchartrain, and the Central Wetlands Unit impact downstream communities and the water bodies, waterways, and wetlands around us.

- We experience [boil water advisories](#) all too often -- a common cause is because of failures in the *energy supply*, which affects water pressure in the drinking water pipes. The SWBNO is currently working on building water towers to help reduce the frequency of such events.

THE COURT SYSTEM

[Criminal justice reform](#) is something that is in the news a lot, and can be understood as a response to decades of “tough on crime” policies that have resulted in high rates of incarceration. Here, we outline a few aspects of the court system and criminal justice reform that have a disproportionate impact on poor people and on people of color -- many of these are relevant across the nation, while some -- e.g., non-unanimous jury verdicts -- are specific to Louisiana and only one other state.

- **Pre-Trial/Non-Trial**
 - **Money bail** -- The U.S. and the Philippines are the only two nations in the world with a money bail system. Those without the ability to pay are held in jail while they await trial (despite possible innocence), often leading them to lose their jobs, homes, and children. Those who are held also are [13% more likely to be convicted](#) because they cannot collect evidence in their favor or keep a job, undergo drug treatment, or anger management which helps during trial.
 - **Plea Bargains** -- More than 90 percent of new inmates enter the prison system after taking plea deals, as going to trial holds greater risk and often more severe sentences. This risk pushes some *innocent* individuals with challenging cases to plead guilty.
 - **Process as punishment** -- Going to court is arduous, often requiring multiple visits during work hours, and stretching over many months. This often requires individuals to find transport and childcare, and places stress on individuals and families regardless of whether or not someone is innocent or guilty.
- **Trial/Sentencing**
 - **Non-unanimous jury verdicts** -- Louisiana and Oregon are the only two states that allow people charged with felonies to be convicted when only 10 of 12 jurors agree on guilt. This law started in an effort to minimize black jurors’ voices and maintain white supremacy. [The state legislature just passed a bill to put this law to a vote](#). That takes place this November. (This topic is part of a multi-month investigative series by the New Orleans Advocate.)
 - **The multiple bill/three strikes law** -- increases sentence lengths based on past felony convictions, with third felony convictions leading to mandatory life sentence without parole. Someone can receive three “strikes,” the first time they’re charged if there are multiple felony charges. These sentencing laws

revoke judicial discretion, though the 2017 legislative changes [now grant](#) more leniency.

- **Post-Trial**

- [Probation and alternatives to incarceration](#) -- Parole and probation extend the net of supervision, proving extremely challenging for individuals to avoid technical violations. The number of people on probation and parole in Louisiana is roughly double the number of people in prison. As of 2015, one-third of those on parole or probation were black.
- [Fines and fees](#) -- 85% of defendants are indigent and are being further harmed by fees they can't pay; recent lawsuit says judges have a conflict of interest in determining whether defendants are able to pay, since these fees are necessary to the functioning of the courts.
- [Sex offender registration](#) -- there is no proof of efficacy, and registration and restrictions have significant consequences on housing, economic opportunities, etc., and diverts attention from methods that work.

- **Structural/Contextual**

- [Elected Judges](#) -- Electing judges has led to poor representation of those facing trial; the majority of judges are white men. Additionally, [in one study](#), judges were more likely to impose harsher and longer sentences closer to elections and in more competitive elections. Louisiana is also 1 of 6 states to hold partisan judgeship elections, which has been found to be more susceptible to corporate interest than in other states.
- [Witness coercion](#) -- Reports of individuals being detained without arrest/accused of a crime, but because they are "material witnesses." Additionally, the Defense Attorney's office was issuing fake subpoenas to trick witnesses into testifying. There have been cases of victims of crimes being held in jail as material witnesses, sometimes as witnesses against loved ones.
- [Funding of Public Defenders](#) -- more than 80 percent of Louisiana's criminal cases are defended by public defenders. The department funding, however, scraped together from city appropriations, the state Public Defender Board and a portion of traffic fines and fees. The [ACLU sued OPD](#) in 2016 to try to force the state legislature to address the funding shortfall.
- [Geospatial aspects of courts](#) -- How does city planning and layout communicate spatial cues around courts and criminal justice? With the court being connected to our jail, are we communicating presumed guilt?

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