

United States Senate

August 8, 2018

The Honorable Donald J. Trump
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

Like you, I am deeply concerned about the scourge of crime, gang violence and drug addiction that is afflicting this great country. Criminals are turning neighborhoods into war zones and small towns into drug dens. In the process, families are being destroyed. Some people make a youthful mistake and benefit from a second chance. Other people never reform. Prisons are a necessary fixture that make our communities safer.

As you prepare to hold meetings on prison and sentencing reform, I wanted to share a cautionary tale from my home state of Louisiana. People are being killed because of the so-called criminal justice reforms that were put in place.

Louisiana started freeing several thousand inmates last year by reducing the mandatory amount of time that they had to serve. The overall goal was twofold: reduce costs and give another state the title of world's highest incarceration rate. Inmates weren't vetted by the probation and parole boards for their threat to public safety. They weren't paired with programs to reduce their recidivism. They were simply released from prison.

The result is that the Justice Reinvestment Act is failing the law-abiding public in Louisiana. Already, 22% of inmates have been rearrested, and it hasn't even been a year since the releases started. At least two of the inmates released ahead of schedule are back behind bars on murder charges.

In the 23rd Judicial District of Louisiana, which encompasses small towns in three parishes, one in three inmates released through the Justice Reinvestment Act has been rearrested. That's a recidivism rate of 33% in less than a year. Our five-year recidivism rate in Louisiana was 43%. Because of the criminal justice reforms, our recidivism rate is on track to exceed 50%. That is not progress. It shows that Louisiana is releasing career criminals purely to save on the cost of housing them.

Louisiana's law enforcement officers and prosecutors – the ones who have to arrest, house and prosecute the same criminals they arrested, housed and prosecuted just a short time ago – are raising serious concerns. The head of the Louisiana District Attorneys Association publicly said

that Louisiana's streets are not safer because of criminal justice reform. He also noted that simply reducing prison population is not a measure of success.

The inmates already rearrested include:

- Despite more than 60 arrests on his rap sheet, Tyrone "Smokey" White walked out of prison early because of Louisiana's Justice Reinvestment Act. White promptly robbed two roofers at gunpoint.
- Ricko Canaz Ball – also known as Oil Slickster for his habit of breaking into automobile-related stores – was released in November despite a string of theft convictions. He was arrested again in January in half a dozen burglaries.
- Habitual offender Alton Brooks Jr. racked up four arrests within two months of his early release. The new charges include battery of a police officer. Brooks has a criminal history that consumes 51 pages in Jefferson Parish.
- Richard McLendon got out of prison a year early because of Gov. Edwards' criminal reform package. He was arrested in June for gunning down a 61-year-old man in Haughton.
- Paul Jackson got out of prison five months early. He's now back in jail on a murder charge.

Additionally, the Louisiana Department of Corrections is not competent to handle the prison release program. Consider:

- Longtime Louisiana State Penitentiary at Angola warden Burl Cain resigned in 2016 amid a [cloud of controversy](#). Mr. Cain [hired a company](#) to build a recycling plant at Dixon Correctional Institute for the state and then signed a personal contract to broker similar deals for the company. Mr. Cain also is accused of going into business with the family and friends of prison inmates. The [Corrections Department later decided](#) that arrangement was fine – partly because it wasn't sexual - but said it might forbid similar arrangements in the future. An [audit](#) by the Louisiana Legislative Auditor's Office found that Mr. Cain's family stayed for free and ate for free in homes owned by the state.
- Mr. Burl Cain's son, former Avoyelles Correctional Center warden Nate Cain, [was indicted](#) in 2017 on 18 fraud charges for inappropriately charging \$152,000 to a state credit card. He also faces an obstruction of justice charge. According to an arrest warrant, Nate Cain and his wife, Tonia, also a prison Corrections Department employee, [ordered prison employees](#) to buy things for their personal use with state credit cards. Investigators later seized a camera, Bose headphones, TVs, clothing and an airsoft gun wrapped as a Christmas gift from their home. The state also [spent nearly \\$80,000](#) building an almost 4,000-square-

foot home for the Cains before construction halted amid questions about why state bid laws had been circumvented.

- Mr. Burl Cain's daughter-in-law, former Avoyelles Correctional Center business manager Tonia Bandy, [pleaded guilty in July to conspiracy to commit wire fraud](#). Mrs. Cain is accused of [trying to cover up](#) more than \$30,000 in missing concession sale funds by ordering the shredding of documents.
- Mr. Burl Cain's one-time subordinate, former Louisiana State Penitentiary at Angola supervisor Sidney Davis, [was arrested last year](#) for using prison employees' club funds to buy alcohol, La-Z-Boy recliners, a sound machine and other questionable items, including nasal spray. He told investigators that the purchases were an accident.
- Another one-time subordinate of Mr. Burl Cain, Shirley Whittington, [pleaded guilty](#) in August to wire fraud for stealing \$115,000 from a fund that was supposed to be used to create recreational opportunities for prison employees and their families who live on prison grounds. She used the money to shop online. The theft went on for years.
- A Louisiana newspaper described Governor Edwards' Corrections Departments' staff chart as a [genealogical exercise](#) because so many relatives of Mr. Burl Cain and Governor Edwards' Corrections Department Secretary James "Jimmy" LeBlanc have been on the department's payroll.
- Mr. Gary Shotwell was deputy warden when Secretary LeBlanc was warden at Dixon Correctional Institute. Mr. [Shotwell and the husband of LeBlanc's niece later got slices of \\$6.3 million](#) in work on a building renovation the Corrections Department Secretary should have put out for bid but didn't after Mr. LeBlanc became Governor Edwards' Correction Department secretary. The niece's husband got the design portion of the project. Mr. Shotwell got the construction portion.
- Under Mr. LeBlanc's leadership as secretary, [inmates convicted of violent crimes and sex offenses were allowed to repeatedly leave prison](#) to play music at nursing homes and interact with children at a park. The trips stopped once the media reported on them.

- A Louisiana Legislative Auditor's Office [report found that the Corrections Department often loses track of inmates within the prison system](#). The Legislative Auditor found that 11% of the inmates reviewed by the auditor could not be found at the prison listed in their files. For example, the agency thought an inmate in prison on an attempted murder conviction was at an Evangeline Parish jail for months when he was actually at another facility some distance away.
- The same Legislative Auditor's report found that Governor Edwards' Corrections Department [consistently struggles to calculate accurate release dates for the inmates](#).
- Governor Edwards' Corrections Department spent \$3.6 million on [an updated inmate tracking system](#). The department used the new system for six weeks and then abandoned it.
- Until recently, Col. Mike Edmonson oversaw the State Police arm of the Louisiana Department of Public Safety and Corrections. Col. Edmonson allegedly abused his position to avoid paying numerous expenses. He [got free housing and food and got state employees or inmates to walk his dog, maintain his son's car and drive his wife around the state](#), including to concerts. Hotel rooms were provided to State Troopers during Mardi Gras season in New Orleans while they helped with law enforcement. Col. Edmonson [allowed friends to stay in some of those rooms instead](#). At the same time, he tried to sneak through an [unconstitutional, \\$300,000 retirement boost](#) for himself and a colleague.
- Under Col. Edmonson's leadership, State Troopers took a road trip to Las Vegas and the Grand Canyon at Louisiana taxpayer expense. They charged the taxpayers overtime for their sightseeing. Col. [Edmonson later called the side trip irresponsible](#). However, phone records – that he tried to erase – showed that he traded friendly text messages with the troopers during their excursion.
- Three Louisiana State Troopers have been accused of claiming a massive amount of overtime they did not work, as a result of an undercover investigation by a New Orleans television station. The television series, titled "State of Unrest," included [footage of troopers allegedly abusing a traffic law enforcement program](#) by writing a full shift's worth of tickets in a relatively short period of time. [One trooper](#) was paid \$240,000 in 2016, \$147,000 of which was overtime.

Unfortunate as it is, Mr. President, I hope Louisiana's misguided attempt at criminal justice reform can prevent similar missteps. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "John Kennedy". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

John Kennedy
United States Senator