

SUPREME COURT OF LOUISIANA

No. 2024-CD-01591

RAYMOND SCOTT, ET AL.

VS.

LOUISIANA STATE POLICE, ET AL.

On Supervisory Writ to the Civil District Court, Parish of Orleans Civil

MCCALLUM, J., concurs and assigns reasons.

On November 22, 2024, the State Police began posting and distributing “Notice to Vacate” signs and flyers to persons who were living on public property in unauthorized homeless encampments. The notices explained that camping at those locations violates state law, requested the persons to vacate within 24 hours or risk possible legal action, and provided them with a list of resources for assistance as well as help relocating them. On November 25, 2024, Plaintiffs sought a TRO, alleging the State would continue to relocate homeless persons before various events (specifically, the 11/30/24 Bayou Classic, 1/1/25 Sugar Bowl, 2/9/25 Super Bowl and Mardi Gras, 3/4/25).

Plaintiffs accuse the State of prioritizing the “aesthetic comfort” of tourists over the rights of those who have established homeless encampments on State property. The State is further accused of preparing for “tourism generating events” that attract national attention.

This case is not about keeping New Orleans beautiful; it is about public safety and health. This truth should be self-evident in the aftermath of the terrorist attack on Bourbon Street in the early hours of New Year’s Day, 2025. There is no absolute constitutional right to imperil public health and safety.

At the heart of this writ application is Plaintiffs' contention that the State must yield to a municipal ordinance and act within the constraints of rules established by the City of New Orleans. The trial court's judgment necessarily dictates mandatory compliance by the State with the requirements of a City ordinance. Ironically, as the very existence of the encampments proves, Plaintiffs demand compliance with an ordinance that has been hitherto un-enforced by the City.

Both the State and Plaintiffs acknowledge that the State Police have the legal and constitutional power to clear the encampments within the bounds of constitutional law. Therefore, the preliminary injunction unconstitutionally interferes with the police powers of the State of Louisiana, under Louisiana Constitution Article, VI, section 9 (B), and should be dissolved.