

A 21st Century Criminal Justice System for the City of New Orleans

Part I: Overview of the Criminal Justice System, its Costs and the Case for Better Coordination

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Introduction:

Moving toward a 21st Century Criminal Justice System in New Orleans

A University of New Orleans survey recently found that 61 percent of New Orleans residents cited crime as the most important issue in the city: the percentage of respondents citing crime as their primary concern was up from just 46 percent two years ago.¹ Finding solutions to this problem is the top priority for Mayor Landrieu and the rest of the city's leadership.

Many factors go into the problem of crime in the United States and New Orleans. Decades of studies have demonstrated that certain individuals – based on socio-economic factors – are both more likely to commit crime and more likely to be victims of crime. Nationally, violent crime rates in the U.S. are higher than in other nations and scholars have noted that one difference may go to the availability of firearms.

For years, law enforcement officials have argued that so much of what goes into defining a place's crime problem is beyond their responsibility. Police are not responsible for school dropout rates. Prosecutors are not responsible for poverty rates. And judges are not responsible for the incidence of mental health problems in a community.

Nevertheless, in most communities, we charge those who comprise "the criminal justice system" with the responsibility for keeping streets and neighborhoods safe. At the same time, there are bounds set by law – by statute, by state constitution and by the federal constitution – as to what steps these officials may take to fulfill that responsibility.

Overall, we want to have a community where both civil rights and civil order are maintained. Meeting these twin goals – civil rights and civil order – is made more complicated by the fragmented nature of the criminal justice system. It has been noted that:

"[I]f a system is thought of as a smoothly operating set of arrangements and institutions directed toward the achievement of common goals, one is hard pressed to call the operation of criminal justice in the United States a system....a more accurate representation may be that of a criminal justice nonsystem."²

The New Orleans criminal justice system is highly fragmented – with the Mayor having direct control over some agencies (e.g. Police, Human Services), but with independently elected officials (e.g. Sheriff, District Attorney, judges, clerks) controlling the rest. The fragmentation in authority is matched by a fragmented process of funding – including funds from the City, state and federal governments, as well as outside grants and a significant amount of funding derived through fees and fines collected from defendants.

Opportunities for Change

Over the last several years, the city and various parts of the criminal justice system have launched a series of reforms.

- In July, the city entered into a consent decree with the Department of Justice that addresses a wide variety of issues at the New Orleans Police Department from community policing practices and training to internal investigations and paid police details. The Mayor has already implemented many of the requirements in the decree

¹ http://www.nola.com/education/index.ssf/2012/03/post_146.html

² R. Bohm and K. Haley, *Introduction to Criminal Justice*. McGraw Hill Ryerson, 2011.



and in the next four years it will serve as a detailed, comprehensive road map for reform.

- NOLA for Life is a strategy to reduce homicides. Prevention is at the core of this plan - jobs, opportunity, rebuilding neighborhoods and improving the police department. But it all starts with one goal: stop the shooting.
- The Mayor's Strategic Command to Reduce Murders regularly brings together representatives of the criminal justice system, schools, community and civic organizations to review and analyze each homicide so as to develop prevention strategies.
- After his appointment in May 2010, Police Superintendent Ronal Serpas announced a 65 point plan to reform the New Orleans Police Department and implementation of the plan began late that year.
- The New Orleans Police Department has significantly reduced the number of individuals stopped for committing a crime who are arrested. Instead, the Department now routinely issues summonses to offenders for lower level offenses.
- With the support of the Mayor and the City Council, a pre-trial services program was launched in the Criminal District Court under the guidance of the Vera Institute of Justice and with the cooperation of the Orleans Criminal Sheriff. The program is designed to help judges who set bond better assess the threat criminal defendants pose to the public. The result is that many low level offenders who are not a threat to public safety are released on their own recognizance rather than being held in jail awaiting trial.
- The Mayor convened a Criminal Justice Working Group that included the Sheriff, Judges, District Attorney, and other community leaders to consider a variety of topics relating to the Orleans Parish Prison.
- Greater cooperation between the New Orleans Police Department and the District Attorney has significantly reduced screening time for felony arrests.
- The District Attorney now brings misdemeanor charges under provisions of municipal ordinance. The DA has also shifted nearly all state misdemeanor cases to Municipal Court. This has significantly reduced the workload at the Criminal District Court.
- The New Orleans Police and Justice Foundation with funding from the federal government, and partners across the criminal justice system are working collaboratively to upgrade the system's technological capabilities through the Orleans Parish Information Sharing and Information System (OPISIS).
- The City Council has also actively supported efforts for reform across the criminal justice system and its Criminal Justice Committee has frequently served as a forum for discussion of new and innovative approaches to public safety.

All of these developments are reason to be optimistic about the city's ability to improve the criminal justice system.



The Need to Do More

Despite these significant developments, our report finds that there is a need to do more. Interviews with leadership across the criminal justice system – and with organizations outside of the criminal justice system – indicate a consensus on the need to do more and to do more in a collaborative and coordinated manner.

As detailed below, the cost of the criminal justice system is significant – with approximately \$300 million annually expended in local, state, federal, grant and self generated dollars on a system that employs more than 3,200 full time employees or equivalents. This system includes police, prosecutors, public defenders, investigators, coroner's staff, judges and clerks and their judicial support staff. In addition, because of the disproportionate number of state prisoners, probationers and parolees who come from New Orleans, the state – independent of funds expended through local agencies – also spends an estimated additional \$75 million on the criminal justice system and these estimates of spending do not account for costs in the education, health and human services agencies that are directly related to the operations and policies of the criminal justice system.

As will be discussed in great detail below, virtually every non-mayoral agency involved in the criminal justice system – courts, prosecutor, public defender, clerks – has and exercises control over its own budget.

It is hard to link spending to results when data on the actual operation of the criminal justice system is scarce and often unreliable. As part of our research, we sought data from multiple agencies across the criminal justice system. Virtually every agency provided at least a partial response to our data requests. But, in many cases, different agencies responded by indicating that they did not have the data requested. Still, in other cases, there were instances where leaders of different agencies indicated that the data might be available but was likely unreliable.

In part, the lack of data is due to gaps in technology. A fair amount of the operations of the criminal justice system remain based on hand-written summonses and notes. In many cases, data is largely used for individual case management – and it is either difficult or impossible to access that individual case data and use it for aggregate analysis.

In other cases, data may exist but it is rarely used in decision-making. With the exception of the Police Department, there is no sign that any of the other components of the criminal justice system regularly review data to measure or manage performance. In part this may be because data critical to assessing the operation of one or more agencies may be held by a different agency. So, for example, to the extent that courts wish to understand case processing time, they need to be aware of annual length of stay data from the Sheriff.

Performance metrics that are used internally or to inform the City budget development process are limited. They frequently measure inputs or outputs, with little emphasis on outcomes. There is little use of benchmarks to assess the adequacy of staffing of different parts of the criminal justice system. In fact, there is no consistent means of assessing the management of the overall workload of the criminal justice system and, therefore, assessing the staffing capacity of individual components of the system.

Perhaps most importantly, there is no system-wide assessment of performance. Even if individual components of the criminal justice system were performing – from a narrow perspective – optimally in terms of efficiency and effectiveness, there is no way to determine whether the system as a whole is doing so. In the case of the criminal justice system, the whole



may truly equal something other than the sum of all parts. Because there is no centralized entity charged with measuring the overall performance of the system, there is no single Criminal Justice Dashboard for the system.

Given the fragmented nature of the current system, opportunities for reform exist that would produce savings for the system as a whole without affecting the effectiveness of overall crime reduction efforts. Moreover, some – if not all – of those savings could be reinvested in meeting system-wide needs. In addition to coordination within the criminal justice system, there are “win-win” opportunities for greater cooperation between different funders – especially local and state government – to better achieve the goals of civil order and civil rights, public safety and justice.

Framework and Principles for Reform

The remainder of this report will outline the details of our findings – our detailed assessment of current levels of funding for the New Orleans criminal justice system and an analysis of the current measures of workflow and workload within the criminal justice system. We will outline recommendations for reform – both in terms of performance measures and policy changes. These recommendations are guided by the framework and principles detailed herein.

Our framework starts with the notion that while different parts of the criminal justice system play different roles in its operation, all components of the system should work toward the goals of civil rights and civil order – public safety and justice. The very design of the criminal justice system often calls for its different components to act as checks on one and other – police, prosecutors and judges all have varying levels of discretion that limit powers of the other – if not to sometimes act as adversaries – as in the relationship between prosecutors and public defenders.

Nevertheless, more often than not, there need not be a tradeoff between civil order and civil rights. An effective and efficient criminal justice system requires both.

Some have suggested that a drive toward efficiency is inherently inconsistent with a goal of justice – that speed and limited resources can have the effect of limiting the rights of defendants or limit the ability of police or prosecutors to fully investigate a crime. In fact, efficiency in the operation of the criminal justice system is essential to justice. For a crime victim – and for the community as a whole – swift and certain punishment of crime is at least as important as its severity. And little justice is done for the innocent defendant who sits in a jail cell awaiting trial.

At a higher level, efficient utilization of scarce resources is also critical to achieving public safety and justice. To the extent that funds or other resources are deployed inefficiently – to the extent that the system fails to achieve its goals of protection of civil rights and civil order at the lowest cost – the waste of limited resources reduces their availability for programs that offer the best hope of achieving the twin goals of the system.

Collaboration and coordination within the criminal justice is not always possible but it is almost always desirable. Very few decisions that take place within the criminal justice system have effects limited to one component of that system. For example, an increase in arrest activity by the police can drive an increase in workload for prosecutors, public defenders and the courts, and can increase the number of offenders spending time in Orleans Parish Prison – and ultimately in the state system as well.

Given this framework, we offer a series of principles that should guide systemic efforts and reform – and that guide our recommendations below.



- Prevention can be the most effective and efficient way to achieve desired outcomes: it is better to place a guardrail at the top of a cliff than to station an ambulance at the bottom. This focus on prevention, reflected in the Mayor's approach to homicide through NOLA for Life, needs to be extended to crime in general.
- Efficient and effective approaches to problem solving involve a targeted approach. Not all neighborhoods or communities are equally affected or impacted by crime or the criminal justice system. As a result, the most effective and efficient solutions to the problem of crime should be targeted and community-based.
- Targeted efforts require data to target with. Moreover, data driven solutions to the crime problem require accurate and timely data and analysis across the entirety of the criminal justice system. Data is important as well to constantly measure and manage programmatic performance. In other words, data is key to both policy planning and management.
- A fragmented system will lead to a fragmented inefficient and ineffective result. Just as the Mayor has recognized the need for a high level focus on the specific problem of homicide, all parties in the criminal justice system need to recognize the need for a focus on coordination and collaboration.

The Role of City Government

Some suggest that the role of city government in achieving reform in the criminal justice system is limited. After all, statutory and other legal barriers that are a function of state law often drive the fragmentation that produces the limits on efficiency and effectiveness discussed above and throughout this report.

Regardless, the city must lead – no matter the limits of its powers.

Ideally, this would be a collaborative effort – and that is the course that we would initially recommend for the Mayor and for the other entities within city government. Absent cooperation, however, the Mayor and the city should use the full force of their authority to effect the changes outlined in the recommendations of this report.

Many of these recommendations will require the support of other parts of the criminal justice system. To win these reforms, the city should be willing to exercise its considerable authority over the budgets of different parts of the criminal justice system – including a willingness to litigate that authority. Moreover, where necessary, the city should be willing to win changes that allow reform from the state – which, as we will discuss, also bears the cost of inefficiencies and ineffectiveness in the criminal justice system.

Absent city leadership and strong executive sponsorship, it will be hard to achieve the changes needed to bring New Orleans' criminal justice system into the 21st century. The cost of failure – both fiscal and in the safety of New Orleans' residents – is too high not to try.

Project Methodology

In March 2012 the City of New Orleans Chief Administrative Office (CAO) engaged Public Financial Management (PFM) to conduct an operational assessment of the Orleans Parish Criminal Justice system. The project work plan included the following four objectives:

- Identify the current budget of the criminal justice system in New Orleans, including all sources of spending and revenue
- Document and measure the current process of criminal cases in New Orleans



- Determine best practices in measurement of performance of criminal justice system and its individual component agencies
- Outline best practices that could achieve system wide improvements in the effectiveness and efficiency of the overall criminal justice system

To accomplish all of these objectives, the project team conducted more than 30 meetings with key stakeholders in the Orleans Parish criminal justice system.³ The project team also thoroughly reviewed metrics identified in the City budget, as well as other metrics utilized by the criminal justice system and then reviewed best practices in performance measurement and performance standards. The project team also determined what data was available for the New Orleans criminal justice system, a critical component to improving the ability of managers to make operational changes to the system.

Finally, based on our observations and data collected, we have outlined our findings and recommendations that should guide ongoing discussion of the operations and budget of the New Orleans criminal justice system.

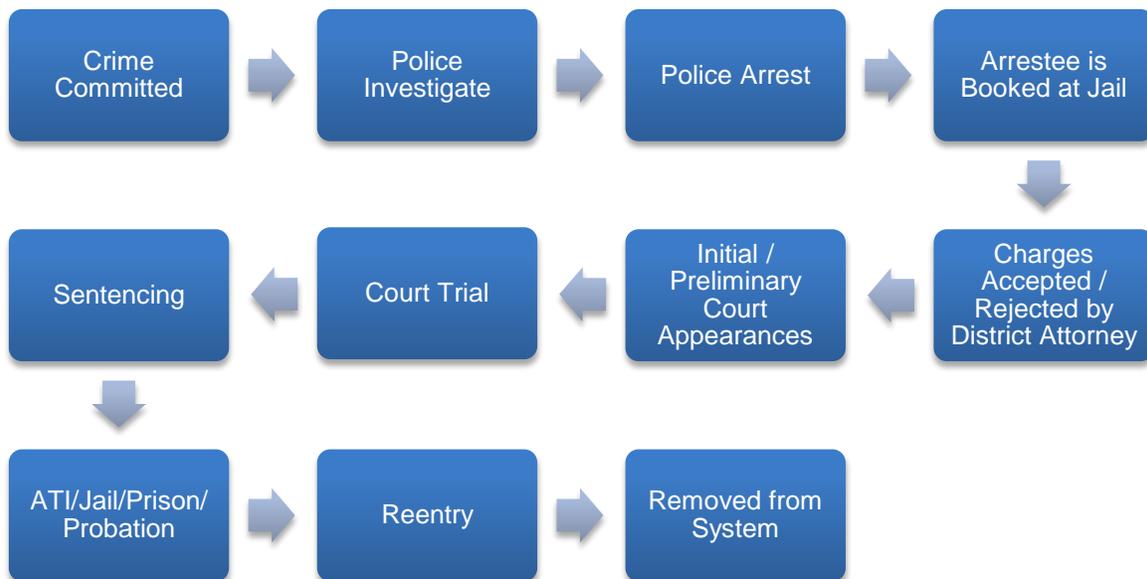
³ Please see Appendix for a complete listing of stakeholder meetings



Overview of Criminal Justice Agencies

The City of New Orleans criminal justice system is comprised of multiple agencies, including agencies within the City government structure, separate elected officials, State entities providing services at the local level, and nonprofit agencies that support the mission of government funded departments and divisions. These entities are funded through a combination of funding sources, including City General Fund revenue, self-generated fines and fees, or grants administered and provided through non-affiliated third parties. The following summaries are meant to provide a high-level overview of the roles and responsibilities of criminal justice entities in Orleans Parish.

Criminal Justice System High-Level Overview⁴



Police Department

The mission of the New Orleans Police Department (NOPD) is to provide professional police services to the public in order to maintain order and protect life and property. The NOPD is currently divided into five bureaus and eight districts. Major bureaus include:⁵

- **Field Operations Bureau:** Combines traditional uniformed services throughout the City of New Orleans with appropriate support services, including the Communications Division and Special Operations Division. The Field Operations Bureau comprises Districts 1-8; each assigned a District Police Commander that is responsible for providing police coverage within the geographic boundaries assigned to the command. In addition, the Field Operations Bureau is the operational key for successful implementation of a community policing strategy designed to reduce crime, improve response time and enhance public perception of the Police Department.

⁴ The chart is for illustrative purposes only. Chart does not detail all system processes and system entrants leaving the system at various stages (e.g., plea accepted, defendant not convicted, diversion program outcomes, etc.)

⁵ All bureau descriptions are from the 2012 New Orleans budget documents.



- Investigations and Support Bureau: Charged to identify, investigate, arrest and prosecute the most violent criminals in our city. The primary responsibility of the Investigations and Support Bureau is to investigate major offenses in the City of New Orleans, make arrests and assist in the successful prosecution of offenders. The Bureau consists of the Criminal Investigation Division, Specialized Investigation Division as well as the Crime Lab and Evidence Division.
- Management Services Bureau: Is primarily a support Bureau of all other Bureaus. The Management Services Bureau manages funding and provides support services related to employee issues, hires, promotions, recruiting, training, maintaining facilities and equipment, etc. This Bureau is also responsible for public records, special officer permits, etc assuring timely issuance internally as well as to the public.
- Public Integrity Bureau: Responsible for coordinating all investigations/allegations of misconduct by employees of the New Orleans Police Department (Commissioned and Civilian); conducting all criminal investigations, coordinating al suspensions, administrative reassignments, disciplinary hearings, Civil Service appeals and Professional Performance Enhancement Program selections.
- Office of the Superintendent: Consists of the Field Operations Bureau, Investigation & Support Bureau, Public Integrity Bureau and the Management Services Bureau. Each of the bureaus is directed by a Deputy Superintendent who is accountable to the Police Superintendent.

Coroner's Office

The mission of the City Coroner's Office is to determine cause of death using investigation and expert autopsies performed by board certified forensic pathologists. In addition to these responsibilities, the Coroner is also responsible for providing mental health evaluations performed by psychiatrists. Key responsibilities/functions of the Coroner's office include:⁶

- General Administration: Ensures that autopsies are performed by forensic pathologists, deaths are recorded and toxicology reports conducted 24 hours a day 365 days a year and death certificates are signed for families and funeral homes in a timely manner.
- Coroner's Investigations: Ensures there is an investigation into the circumstances surrounding deaths in the City, identification of the deceased as well as timely notification to next of kin.
- Psychiatric Department: Provides professional counseling by a psychiatrist and evaluations of citizens with mental, drug, alcohol or emotional problems.

⁶Functional area descriptions are taken from 2012 New Orleans budget documents.



Orleans Parish Sheriff's Office

As a result of consolidation, the Sheriff now has both civil and criminal justice responsibilities. The principal mission of the Sheriff's Office related to criminal justice is to manage the care, custody, and control of individuals incarcerated in Orleans Parish on municipal, traffic, state, and federal charges. The Department provides for the safety, medical care, and feeding of the persons in their custody. The Sheriff is an independently-elected official.

The Sheriff is responsible for booking all arrestees in New Orleans. The Sheriff also provides housing for offenders arrested and awaiting first appearance. For defendants not released on bail, bond or recognizance, the Sheriff is responsible for holding them pre-trial. The Sheriff also houses inmates sentenced locally upon conviction and, in the past, has held convicted federal and state prisoners as well.

The Orleans Parish Sheriff's Office Civil Division is responsible real estate auctions, movables auctions, and other civil matters. This study did not review or analyze OPSO civil operations, funding mechanisms, or processes.

District Attorney

The mission of the Orleans Parish District Attorney's Office is to represent the State of Louisiana and the citizens of Orleans Parish by prosecuting violations of State criminal statutes – both misdemeanors and felonies. The Orleans Parish District Attorney's Office is responsible for providing fair, effective and efficient prosecution of offenders of the law. The Office protects public safety and preserves the interest of justice. The District Attorney is an elected official. The District Attorney's Office includes the following divisions:⁷

- **Trials:** Includes attorneys with section assignments. Each section has its own investigator.
- **Juvenile:** The Juvenile Division of the District Attorney's office handles cases involving juveniles as both offenders and victims of neglect and abuse. The division prosecutes offenders in delinquency proceedings in Juvenile Court. Furthermore, the division protects the interests of juvenile victims of neglect and abuse in Child In Need Of Care (CINC) cases brought in the Juvenile Court.
- **Appeals:** The Appeals Division of the District Attorney's office represents the interests of New Orleans and the State of Louisiana in criminal appellate work before the Louisiana Fourth Circuit Court of Appeal, the Supreme Court of Louisiana, and the Appellate Division of Orleans Parish Criminal District Court. Assistant District Attorneys in the Appeals Division respond to post-conviction applications in Orleans Parish Criminal District Court. The division also answers *habeas corpus* applications relating to convictions in the Criminal District Court filed by defendants in the Federal court system.
- **Diversion Program:** Programming that allows some non-violent offenders to participate in an intensive rehabilitative program in lieu of prosecution. Defendants charged with crimes that may be diversion eligible are screened by the District Attorney's office. During the screening process, a defendant's file is reviewed, including a review of

⁷ District Attorney division descriptions are largely taken from www.orleansda.com.



his/her criminal record, to determine if s/he qualifies for the program. Admission to the program is at the discretion of the District Attorney's office.

- Child Support Enforcement: The Child Support Enforcement Division enforces child support orders of the Civil District Court and the Juvenile Court in Orleans Parish. The District Attorney's office and the Louisiana Department of Social Services perform these services pursuant to a cooperative endeavor agreement.

City Attorney

The City Attorney has broad legal responsibilities in city government. Under the City Charter, the Department of Law directs and supervises the legal affairs of the City by providing legal advice and services to the Mayor, City Council, Departments, Boards, Commissions and related City entities; representing and appearing for the City in actions or proceedings in which the City is concerned or is a party and negotiating or otherwise bargaining for the City, and preparing ordinances, resolutions, executive orders, contracts, bonds, and other legal documents of significance to the City.

In addition, the City Attorney serves as prosecutor for those cases involving a violation of local ordinance – and certain traffic misdemeanors – in practice before the Municipal and Traffic Courts.

Orleans Public Defenders

The mission of the Orleans Public Defenders Office (OPD) is to provide each eligible client with client-legal representation regardless of whether the legal venue is criminal, municipal, juvenile, or traffic court. The vision of the office is to create “a community-oriented defender office built upon the zealous defense of the poor and indigent while acknowledging the strengths of clients, families and communities.” Approximately 80 percent of criminal cases in New Orleans involve indigent representation by the OPD.

Municipal Court

Most criminal cases in New Orleans go before the Municipal Court. The Court hears all non-traffic ordinance violations and, now, most cases involving misdemeanors. The mission of the Municipal Court is the fair and impartial administration of justice as it pertains to alleged violators of the ordinances of the City of New Orleans and the criminal statutes of the state of Louisiana. The court is comprised of four independently elected judges and Municipal Court is led by a Chief Judge, who serves in a leadership capacity although the Chief Judge has limited authority over other court judges. In addition to the judges, the Municipal Court also has its own administrative and clerk staff.

Criminal District Court

The purpose of Orleans Criminal District Court is to interpret and uphold the law and constitutions of Louisiana and the United States; to maintain an orderly society, and to garner public trust and confidence by administering justice in a fair, impartial, timely, efficient, effective and accessible manner. The goal of the Court is to prosecute all crimes, misdemeanors and/or felonies, as well as other offenses committed within the Parish of Orleans, in which jurisdiction



is not vested in some other court. The Court is comprised of twelve sections and one magistrate with four commissioners. Each section is assigned an independently- elected judge. Criminal District Court is led by a Chief Judge, which serves in a leadership capacity although the Chief Judge has limited authority over other court judges.

The Criminal Court Judicial Administrator is the administrative arm of the criminal court. The Judicial Administrator (JA) provides budgeting, payroll, accounting, staffing, management reporting, translation services, revenue collection, courier services, community support services, and other administrative support to the Criminal Court.

Clerk of Criminal District Court

Clerk of Criminal District Court's mission is to support the criminal justice system, as the keeper of records and evidence. The Clerk also maintains integrity and justice within the system as the custodian of elections and polling sites.

The Clerk provides for a closed records and record processing room to maintain and retrieve files for court, district attorney's office, federal, state courts and the public upon sentencing of defendants or closure and is responsible for providing copies of records for appeal cases; expungement of records and scanning of records for long term usage. The Clerk leads efforts related to scanning all closed records and refusals onto a computer server and creating electronic images for each record.

Orleans Parish Juvenile Court

The jurisdiction of the Court is broad and varied. It handles all juvenile delinquency (criminal) matters, juvenile status offenses, cases of neglect and/or abuse of juveniles, criminal non-support and U.R.E.S.A. cases, adoptions, abandonment proceedings, voluntary transfers of custody, termination of parental rights cases, and juvenile traffic cases for the Parish of Orleans.⁸

There are six sections of Juvenile Court, four assigned for delinquency and two assigned for dependency cases. Each section is assigned an independently- elected judge. Juvenile Court is led by a Chief Judge, who serves in a leadership capacity although the Chief Judge has limited authority over other court judges. This report focused on the criminal justice system and therefore did not analyze or review the operations, funding mechanisms, or processes of the Juvenile Court's Dependency Divisions.

The Juvenile Court provides multiple programs including:⁹

- **Behavioral Health Services:** Behavioral Health Services seeks to deliver support services to juveniles and families residing in and around the Greater New Orleans area. BHS offers Parenting Education for both Teens and Adults, as well as a youth Anger Management group. BHS provides case management services, makes recommendations on services that would be beneficial for the juvenile and family unit, and assist juvenile/family with accessing services.

⁸ Orleans Parish Juvenile Court website, <http://www.opjc.com/history.php>

⁹ Juvenile Court program descriptions taken from <http://www.opjc.com/>



- Court Coordination/Dual Jurisdiction Program: The Court Coordination/Dual Jurisdiction Program seeks to provide more options for the Orleans Parish Juvenile Court through coordination of services at all levels (local, parish, state, federal and private) for youth dually involved in the Child in Need of Care, Juvenile Delinquency systems and youth who are at imminent risk of being removed from the home.
- Drug Court: The Orleans Parish Juvenile Drug Court Program is a treatment –centered system that assists juveniles with substance abuse problems and their families in leading productive, substance e-free and crime-free lives. The program offers intensive rehabilitative services in a structured and supportive environment.
- Enhancing Alternatives to Suspensions and Expulsions (“EASE”): This program addresses minor school-based infractions in three selected schools within the Louisiana Recovery School District, Independent Charter Schools and Orleans Public School Systems. The EASE program consists of two components: (1) the school-based youth court component, and (2) a classroom-based educational component, coupled with implementation of the Restorative Justice Model. The class-room-based component provides educational training on various topics, including legal systems, restorative justice, conflict resolution, peer mediation, positive behavior support, and mock trial development.
- Electronic Monitoring Program (EMP): The Orleans Parish Juvenile Court (OPJC) uses electronic monitoring technology, as provided by the City of New Orleans through the Orleans Parish Sheriff’s Office (OPSO), as an alternative to detention for youth arrested for alleged delinquent acts; found delinquent as a result of the commission of an offense and/or due to violation of probation conditions. The goals of the Electronic Monitoring (EM) are to prevent recidivism and more efficiently monitor and prevent violations of curfew and territorial restrictions and to assure the presence of the youth in court.
- Evening Reporting Center (ERC): The ERC provides an educational, supervised environment within the community as an alternative to detention for minors who would otherwise be detained or removed from their home because of supervision needs.
- Families in Need of Services: The Families in Need of Services (FINS) became effective in all courts having juvenile jurisdiction on July 1, 1994, as Title VII of the Louisiana Children’s Code. FINS goals are to reduce formal juvenile court involvement while generating appropriate community services to benefit the child and improve family relations.
- Juvenile Tracking Program: The Juvenile Tracking Program (JT) is designed to provide tracking services to those youth who are referred by OPJC and live within the Parish of Orleans. The services will consist of attempting one (1) face-to-face contact seven days per week and one (1) telephone contact seven days per week performed on a random schedule to ensure maximum compliance with the youth’s conditions of release. All efforts at contacting the youth will be made after the courts’ specified curfew time (typically 6pm).
- Orleans Detention Alternative Program (ODAP): ODAP is a pre-adjudication alternative to detention program that seeks to ensure that youth will return for court appearances



and do not re-offend while under supervision. ODAP Youth Advocates work with youth who are high need but not high risk to the community.

- Restitution / Community Service: The main goals of restitution and community service programs are to hold offenders personally accountable for their crimes and to make reparations to victims either directly or indirectly.
- Teen Court Program: Teen Court is a Diversion Program for first-time, non-violent offenders, committing misdemeanor offenses. Teen Court provides a peer operated disposition mechanism that constructively allows young people to gain hands-on legal experience by participating in the program as a prosecutor, defender, or a jury member.

Department of Human Services

While it has other functions, the principal responsibility of the City Department of Human Services is to house children between the ages of 8 and 16 who have been arrested for committing a criminal offense pending adjudication of the arrest in Juvenile Court. For juveniles (excluding those being tried as adults), the Department's Youth Study Center operates as the equivalent of the Parish Prison in providing pre-adjudication detention.

Traffic Court

New Orleans Traffic Court processes and adjudicates traffic violations issued by the New Orleans Police Department and other policing authorities for violations of City ordinances and state law within the City of New Orleans. There are four Traffic Court divisions; each assigned an independently elected judge. Traffic Court is led by a Chief Judge, who serves in a leadership capacity although the Chief Judge has limited authority over other court judges.

State of Louisiana

A number of state departments and agencies are affected by the operations of the New Orleans criminal justice system. For example, appellate courts and the state court system, in general, handle cases that emanate from New Orleans. And upon adjudication, the State will also house juveniles that have come through the Juvenile Court.

The most extensive interplay between state operations and the New Orleans criminal justice system involves the Louisiana Department of Public Safety and Corrections (DPSC).

The mission of Corrections Services is to enhance public safety through the safe and secure incarceration of offenders, effective probation/parole supervision and proven rehabilitative strategies that successfully reintegrate offenders into society, as well as to assist individuals and communities victimized by crime.¹⁰

DPSC has been directly involved in the funding of the Sheriff – specifically for housing state sentenced inmates. DPSC houses all offenders convicted of state sentences calling for prison – whether housed locally or not. In addition, the Division of Probation and Parole has significant responsibility in monitoring offenders from New Orleans sentenced to felony probation or released from prison and on parole.

¹⁰ Per the Louisiana Department of Corrections website, <http://doc.la.gov/pages/about/mission-and-goals/>



It is the mission of the Division of Probation and Parole to protect public safety by providing for the investigation and supervision of adjudicated adult offenders through the enforcement of legal statutes and community based programs designed to facilitate the offender's adjustment and reintegration into society. The Division is committed to a program of offender management that will contribute to restoring the victim and community by holding the offender accountable for his actions and providing opportunities for restitution.

Pass Through Funders

Two entities – one a part of City government and the other a foundation – function largely as pass through organizations for outside grants to the Criminal Justice System.

Historically, the **Office of the Criminal Justice Coordinator** has functioned largely as a funding organization for various programs across the criminal justice system. Federal and state funds are allocated on the basis of recommendations of the Criminal Justice Coordinating Council, comprised of many of the leaders of different parts of the criminal justice system described above. In 2011, the Coordinator's office was responsible for the administration of \$6 million in funds for a variety of criminal justice system initiatives. As discussed below, under Mayor Landrieu's Administration, the role of the Coordinator or Criminal Justice Commissioner has expanded to include oversight of prevention initiatives and the Strategic Homicide Command.

The **New Orleans Police and Justice Foundation** is a nonprofit corporation that was created in 1995 to assist in creating a safer City of New Orleans. With operations beginning in 1996, the Justice Foundation's mission is two-fold:

1. Ensure that each individual police officer is trained, equipped and educated to perform at the highest levels of professional standards
2. To provide the New Orleans Police Department the management and operational tools to coordinate law enforcement efforts for both crime prevention and intervention.¹¹

More generally, the Foundation also is the grantee on millions of dollars in grants from government and non-governmental sources. Many of those grants ultimately go to other parts of the criminal justice system. In other cases, the Foundation has taken the lead in program implementation – as in the case of OPISIS, described briefly in the introductory section.

¹¹ Based on description of entity provided in the Legislative Audit Report for the entity, page 5.



The Cost of the Criminal Justice System

While it is not uncommon for a criminal justice system to have multiple funding sources, it is rare for different officials to have authority over budgeting levels. That is the case in New Orleans. As a result, a large portion of spending on the criminal justice system is not reflected in the city budget – or in any other single source document.

For the purposes of the following analysis, we relied on data supplied by individual courts, agencies and departments – but we primarily relied upon data contained in annual financial statements that are provided to – and made public by – the Louisiana Legislative Auditor. In order to rely on audit actual revenue and expenditure, we use 2010 data: updates of this analysis will be possible with the availability of 2011 financial statements.

Even with the use of annual financial statements, not all costs are covered in this analysis. For example:

- The City provides for the cost of certain insurance claims and unemployment benefits of the Orleans Parish Sheriff and the District Attorney. These costs are not a part of the financial statement of either of these offices, nor are they reflected in the annual budgets of either office.
- The cost of vehicle repair and fuel for police cars is not included in the actual budget of the New Orleans Police Department. According to the CAO's office, the 2012 adopted amount for the entire city was \$5.3 million. Roughly 70-75 percent of this total is for the NOPD.
- The city is responsible for the maintenance of buildings and other facilities of the criminal justice system, including police department facilities and the courts.

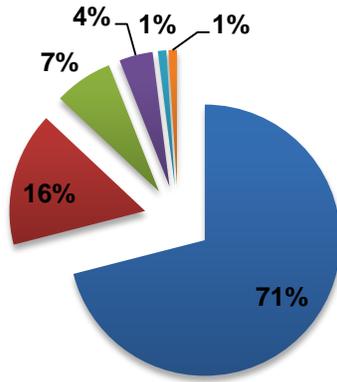
On the other hand, some of the costs of the Juvenile Court that are included in this analysis are for the processing of cases that are non-criminal in nature. Thus, the analysis of cost that follows remains somewhat inexact – but is still the best ever estimate of the cost of criminal justice in New Orleans.

Counting just City revenues actually allocated and spent on criminal justice in New Orleans, the total cost of the system was **\$181.3 million** in 2010 – with more than two-thirds going to the Police Department.

Counting all sources though, the cost of the criminal justice system in New Orleans was \$288.7 million in 2010 – and Police Department spending was less than half the total cost. Including estimated costs related to fuel, property management and other indirect costs, the total cost of criminal justice in 2010 was closer to \$300 million.



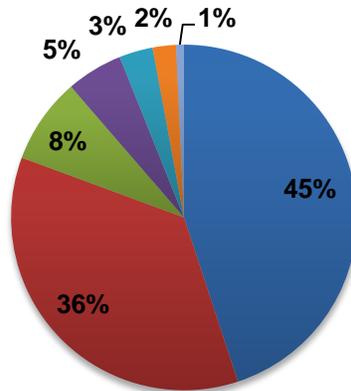
City Funding for Criminal Justice, 2010



■ Police ■ Sheriff ■ Courts ■ Prosecution ■ Youth Detention ■ Other

Department	\$ Amount
Police	\$129,769,614
Sheriff	\$102,999,692
Courts	\$23,237,901
Prosecution	\$15,199,904
Indigent Defense	\$9,106,331
Other	\$6,291,668
Youth Detention	\$2,127,440
TOTAL	\$288,732,550

Total Spending, Criminal Justice System, 2010



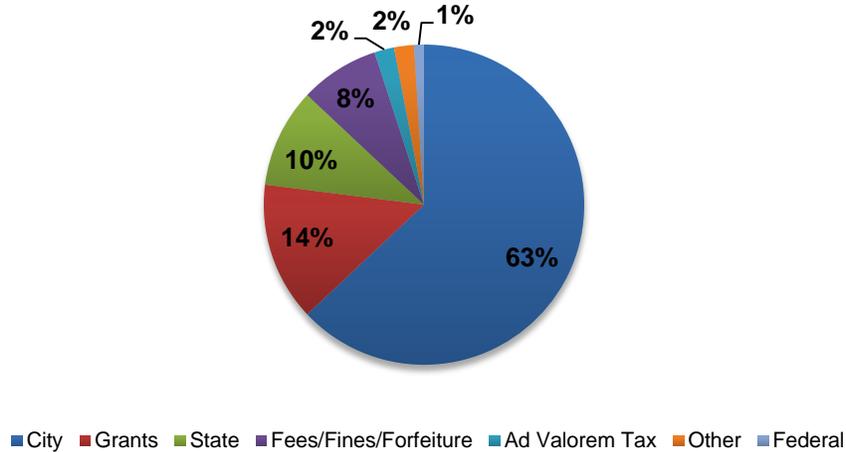
■ Police ■ Sheriff ■ Courts ■ Prosecution ■ Indigent Defense ■ Other ■ Youth Detention

The City, however, remains the principal funder of the criminal justice system – accounting for nearly two-thirds of all 2010 revenue. These resources primarily go toward staffing of the



system. Across all different agencies and departments in the criminal justice system, more than 3,200 FTEs worked in these agencies in 2011.¹²

Sources of Funding, New Orleans Criminal Justice System, 2010



Entity	FTEs
NOPD	1,652
Sheriff	825
District Attorney	176
Criminal District Court	155
Public Defender	133
Traffic Court	90
Criminal District Court Clerk	91
Juvenile Court	76
Municipal Court	52
Human Services	40
Coroner	17
City Attorney	13
Criminal Justice Coordination	3
TOTAL	3,323

The State, both through grants and other direct funding, is the second largest source of funding. In addition to funding local law enforcement and criminal justice agencies, the state’s interest is also borne out by non-local costs that it bears, such as incarcerating and providing oversight – through probation and parole – of convicted felons. For example, factoring in the state cost of incarceration – for state inmates that were not housed in Orleans Parish Prison – and probation and parole, additional state costs in 2010 totaled an additional \$77.8 million. As we discuss

¹²FTE counts for 2011 represent information provided by Departments for through data requests and meetings. Where data was not provided, FTEs accounted for in the Adopted 2012 City Budget were used. In some cases, such as the City Attorney and Human Services, staffing was limited to those parts of an agency that was a component of the criminal justice system. Similar disaggregation did not occur for the Juvenile Court or for the Sheriff. As a result, the FTE count is best thought of as an estimate for the system as a whole.



later, the Sheriff effectively subsidized the cost of housing state inmates in Orleans Parish Prison – otherwise, total state costs would have been even higher. The point of this analysis is to suggest that state government also should have a direct interest in improving efficiency and effectiveness in the local criminal justice system.



The Criminal Justice System Today

The following is an attempt to describe the various processes and roles and responsibilities of the various stakeholders involved in the Orleans Criminal Justice System. Some basics are helpful to understand.

As we will discuss below, not all crimes are reported to the police – though the police are usually the starting point for most cases that enter the criminal justice system. Not all incidents reported to the police – and that the police respond to – are necessarily crimes: many complaints about noise or other disturbances do not rise to the level of criminal conduct. Many of the crimes that result in arrest – drug possession, for example – are not the result of complaints from the public. Not all crimes result in arrests: some crime goes unsolved and – increasingly in New Orleans – some offenders receive summonses or citations and are not arrested. Not all arrests result in criminal prosecutions – prosecutors have discretion as to how to handle an arrest and can decline charges, divert offenders or dismiss charges after initiating prosecution. Not all prosecutions lead to convictions – and most convictions are the result of voluntary plea agreements rather than trials. Not all convictions lead to incarceration – defendants who are convicted of crimes can be punished through a variety of sanctions.

It is also important to understand the relative caseload of the different local and state criminal court systems described above. Most of the data that we have about the processing of cases and activities within the criminal justice system in New Orleans are focused on work done in the Criminal District Court and the Juvenile Court. While the Criminal District Court handles the most serious criminal offenses and Juvenile Court has both civil and criminal jurisdiction over cases involving youth, these two systems account for a relatively small percentage of the cases that enter the criminal justice system.

The following chart outlines the number of cases filed in each of the different courts in Orleans Parish over the last three years.¹³ Moreover, the reduction in case filings in the Criminal District Court through 2011 does not reflect the shift of misdemeanor cases to the Municipal Court.

Case Filings by Court	2009	2010	2011
Juvenile	836	789	825
Traffic	174,771	155,024	168,943
Municipal	36,680	30,458	31,537
Criminal District Court	10,736	9,370	7,035
Municipal / CDC	47,416	39,828	38,572

Prevention and Response to Crime: The Police

In many ways, the criminal justice system is designed as both a response to crimes and a means of preventing crime. By having a presence in communities, police seek to prevent crimes. By imposing punishments on criminal offenders, most of the rest of the criminal justice system works to deter future crimes.

¹³ Juvenile Court case filings include Families in Need of Supervision, Delinquency and Traffic cases.



For practical purposes, more often than not, the criminal justice system begins to act in response to the commission of a crime. Yet despite the high number of cases, the criminal justice system – beginning with the police – is often never alerted to the commission of a crime. The Bureau of Justice Assistance conducts an annual National Crime Victimization Survey which produces rates and levels of reported and non-reported personal and property victimization. According to the 2010 National Crime Victimization Survey (the most recent data available) about 50% of all violent victimizations and nearly 40% of property crimes were reported to the police in 2010. These percentages have remained stable over the past 10 years.¹⁴

Thus, if New Orleans follows national trends, only about half of all violent crimes and less than half of property crimes are reported to the NOPD. In addition to those crimes reported to the police, other crimes are detected by investigation of the NOPD and other law enforcement agencies. For example, there are rarely complaints about so-called victimless crimes: instead, they are detected and addressed by law enforcement. As we will see, most ordinance violations are traffic offenses. Traffic offenses are usually independently detected by the police as well.

Still, an important trigger for the criminal justice system occurs when an individual calls 911 to report a crime to the police. In New Orleans, there were a total of 510,296 calls to 911 for police response in 2011.

911 Calls to NOPD: 2009-2011¹⁵

Category	Total Calls			% of Total Calls		
	2009	2010	2011	2009	2010	2011
Murder	166	168	182	0.03%	0.03%	0.04%
Rape	121	201	234	0.02%	0.04%	0.05%
Burglary	5,048	4,818	5,156	1.03%	0.97%	1.01%
Armed Robbery	756	685	816	0.15%	0.14%	0.16%
Simple Robbery	358	385	411	0.07%	0.08%	0.08%
Assault	1,735	1,738	1,877	0.35%	0.35%	0.37%
Purse Snatching	110	123	123	0.02%	0.02%	0.02%
Auto Theft	4,201	4,004	4,141	0.86%	0.80%	0.81%
Other Theft	6,189	6,103	7,409	1.27%	1.23%	1.45%
Alarms	42,019	44,678	47,193	8.59%	8.98%	9.25%
Accidents	23,519	24,214	26,176	4.81%	4.87%	5.13%
Auto Burglary	3,537	3,345	3,660	0.72%	0.67%	0.72%
Disturbances	50,440	55,803	62,183	10.31%	11.22%	12.19%
Other	350,904	351,278	350,735	71.74%	70.60%	68.73%
Total	489,103	497,543	510,296	100.00%	100.00%	100.00%

The overwhelming majority of these reports, however, are not for the most serious crimes tracked by the FBI UCR data commonly used to measure levels of crime in a community. For

¹⁴ U.S. Department of Justice. Office of Justice Programs. *Bureau of Justice Statistics. National Crime Victimization Survey (2010)*

¹⁵ 911 call data provided by NOPD.



example, FBI UCR data indicate a total of 16,761 serious crimes in 2011 – compared to more than 510,000 calls to 911.

New Orleans: UCR Crime Statistics¹⁶	2008	2009	2010	2011
Murder and Non-negligent Manslaughter	179	174	175	200
Forcible rape	65	98	144	163
Robbery	1,085	932	953	1,059
Aggravated assault	1,540	1,410	1,321	1,326
Violent crime total	2,869	2,614	2,593	2,748
Burglary	4,591	3,821	3,695	3,857
Larceny-theft	7,081	6,507	6,540	7,616
Motor vehicle theft	3,208	2,612	2,410	2,540
Property crime total	14,880	12,940	12,645	14,013

Whether for a serious crime or an accident or a mere disturbance, there is usually some type of response to every call for police assistance that comes in through 911. With some exceptions, these calls are referred throughout the day to officers on patrol near the reported crime location.

Police officers responding to a call for service will determine whether in fact a crime has been committed. If it has, they may try to determine who committed the crime. In more serious cases where no offender has been identified, the responding officers may turn over the case for additional investigation to detectives or to specialized units.

Certain low level offenses – especially where a police officer has witnessed the actual offense – may result in a summons. Recently, the use of summonses in New Orleans has increased significantly. By June 2011, 70 percent of non-domestic violence, non-public intoxication municipal code violations were resulting in a summons rather than arrest – up from just 24 percent in 2008. Offenses where a summons was typically used instead of arrest include disturbing the peace, obstructing public passage and alcoholic beverages in motor vehicles.¹⁷

Many factors determine whether a reported crime will actually result in an arrest of an offender. Lack of evidence, cooperative witnesses and investigative resources can all impact the ability of the police to solve crimes. Between 2008 and 2011, arrests in New Orleans have declined –as the use of summonses has increased.

¹⁶ UCR Crime Reporting Tool. Data for 2011 is preliminary and may differ from data maintained by the New Orleans Police Department. For example, the NOPD reports 199 homicides in 2011 rather than the 199 indicated by preliminary UCR data.

¹⁷ Criminal Justice Leadership Alliance, Use of Summonses versus Custodial Arrest for Municipal Offenses, July 14, 2011.



Arrests in Orleans Parish: 2008-2011¹⁸

Arrests Type	2008	2009	2010	2011
Felony Arrests	7,817	7,945	6,612	6,510
State Misdemeanor Arrests	3,564	4,968	4,198	3,238
Municipal Arrests	17,878	14,719	9,101	6,537
Traffic Arrests	6,874	9,985	6,779	5,250
Other State Arrests	17,749	22,357	18,867	11,582
Total Arrests	53,882	59,974	45,557	33,117

To sum up, most crimes do not result in a complaint to the Police. Most complaints to the Police do not result in identifying the offender. Increasingly, in those cases where an offender is identified, they are cited for a summons rather than arrested. The most summonses issued by the Police – by far – are for traffic offenses.

Another way to consider the data is that for the 510,296 calls to 911 seeking a police response in 2011, there were only 33,117 criminal arrests in the city.

Bookings and Initial Appearances

When an arrest of an adult is made (cases involving juveniles are discussed separately), the police then bring the arrestee to the Orleans Parish Prison for booking (fingerprinting, picture taken, personal information collected). For arrestees booked at the jail for city ordinance violations, the Sheriff offers a pre-arraignment bond program where those arrested for minor offenses are booked and then issued a court appearance date to respond to their charges. Other arrestees booked at the jail will then be held there until their first appearance at either Municipal Court or – now almost exclusively for felonies – Criminal District Court, generally within 24-48 hours.

During this initial appearance, the arrestee will be told of their charges and a bail or bond determination will be made. In Municipal Court, it is possible to reach a plea on the case during initial appearance. In Criminal District Court, the initial appearance usually occurs before the Magistrate.

Earlier this year, the Criminal District Court began a pre-trial services program whereby a third party – the Vera Institute of Justice – is now conducting an independent risk assessment and making recommendations for amount of bail or bond or for release on recognizance. These assessments consider a defendant’s risk of failing to appear at a scheduled court date and risk to committing additional crimes before their scheduled court date. These risk assessments are voluntary and Judges are not required to follow the recommendations of the assessments.

There are four main types of bail bonds utilized in New Orleans:¹⁹

- Commercial Surety Bonds (CSBs) in which a defendant pays a bond company 12% of the total bond amount set by a judge in order to be released from jail. None of the money paid to a bond company is refunded to the arrested subject.

¹⁸ Metropolitan Crime Commission. “Orleans Parish Criminal Justice System Accountability report.” May, 2012.

¹⁹ Metropolitan Crime Commission, “An Analysis of Bail Bond Reductions in Orleans Parish Criminal District Court March 2005



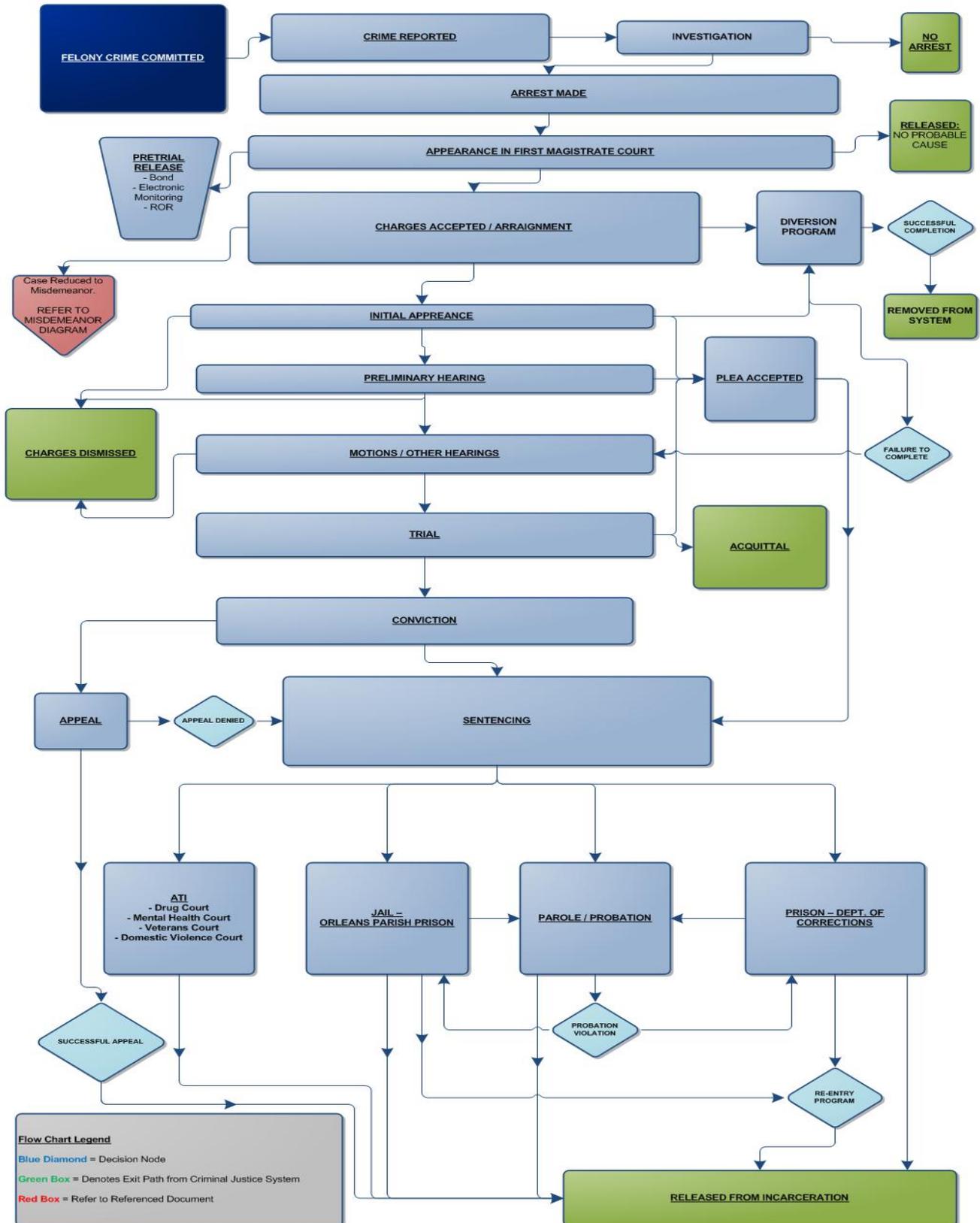
- Release on Recognizance Bonds (RORs) in which a defendant agrees to appear for all court proceedings and is released by a judge. There is no cost to this type of Bond.
- Personal Surety Bail Undertakings (PSBUs) in which someone such as a friend or family member guarantees the appearance of a defendant and is personally obligated for the indicated amount of the bond until final disposition of the case.
- Cash Bonds in which the entire bond amount is deposited in order to secure an arrested subject's release. With cash bonds, the full amount of bond is refunded when the case is concluded and the defendant does not miss any scheduled court appearances or otherwise violate the terms of release.

The current system allows an individual to pay a bondsman 13 percent of the total CSB bond amount to be released from jail. Of this 13 percent, ten percent is retained by the bondsman and the remaining three percent is split among the Criminal District Court, the District Attorney's Office, the Sheriff's Office, and the public defender.

During the initial appearance, indigent defendants will have counsel appointed for them – most often, the Public Defender. Initial appearance is also the first time that a prosecutor – either an Assistant City Attorney or an Assistant District Attorney – will encounter a case.



Flow Chart of Felony Crimes through New Orleans Criminal Justice System





Pre-Trial Detention

For defendants not released through bond or ROR at first appearance – or earlier in the case of the Sheriff’s Fast Track program for municipal offenders – the next stop after first appearance is to remain in the Orleans Parish Prison. As is the case for jail population nationally, most inmates housed at OPP are being held pre-trial. Based on data from October 2011, out of 2,933 total inmates in OPP, 1,519 were in jail pre-trial.²⁰ The percentage of jail population detained pre-trial has increased in the last six months as a result of the decision to no longer house either state or federal inmates – which in October 2011 accounted for just under 900 inmates in the OPP population.

Case Acceptance

During or following Magistrate Court, the transfer of case information from NOPD to the District Attorney’s Office occurs. Comprehensive case files are sent to the District Attorney and that office reviews the case and makes a determination of whether to formally accept the charges. The District Attorney can accept the charges, reject the charges, accept different charges than originally submitted, refer the case to a different court, and or request additional information from NOPD or other entities to make a case acceptance decision. For felony level cases, under current Louisiana law, the District Attorney’s Office has 60 days to determine whether charges will be filed against individuals who have been arrested and are detained.²¹ The time allowed under current Louisiana law to determine if charges will be filed for misdemeanor level cases when a defendant is detained is 45 days.²²

Prosecution Acceptance Rate (Criminal District Court only)²³

Charges Filed	2009	2010	2011
Felony	6,695 (87.5%)	8,482 (90%)	6,386 (88%)
Misdemeanor	6,056 (88.5%)	4,800 (81%)	3,418 (74%)
Total Charges Filed	12,751	13,282	9,804

For more serious felonious charges, the District Attorney may require a Grand Jury Indictment. However, as the table below details, Grand Jury Indictments represent a small percentage of all felony cases accepted for prosecution.

Grand Jury Indictments: 2009-2011²⁴

Crime Type	2009	2010	2011
Felony	152	163	196
Misdemeanor	N/A	N/A	N/A

In some cases, the District Attorney may divert the defendant from prosecution. Defendants charged with crimes that may be diversion eligible are screened by the District Attorney’s office.

²⁰ Updated Orleans Parish Prison Population Projections, The JFA Institute, October 2011.

²¹ La. Code of Criminal Procedure art. 701(B)(1).

²² La. Code of Criminal Procedure art. 701(B)(1).

²³ Based on data provided by the Orleans Parish District Attorney

²⁴ Orleans Parish District Attorney



During the screening process, a defendant's file is reviewed, including a review of his/her criminal record, to determine if they qualify for the program. Admission to the program is at the discretion of the District Attorney's office.²⁵

Prosecutorial Diversions²⁶

Diversions	2009	2010	2011
New Admissions	729	1254	473

All felony cases are processed through Criminal District Court. Beginning in 2011, the City Council passed ordinances allowing for the transfer of misdemeanor cases related to possession of marijuana and related paraphernalia to Municipal Court. Since the enactment of these ordinances, the District Attorney has transferred over 1,000 cases to Municipal Court. In December 2011, the Sheriff's Department began to move arrestees on stand-alone misdemeanor charges directly into Municipal Court for First Appearance and Bond Setting rather than Criminal District Court.²⁷ These actions have resulted in the following:

- Over 50 percent reduction in cases accepted by the Criminal District Court (9,370 cases accepted in 2010 vs. current pace of 4,000 annually in 2012).
- An overall increase in guilty pleas (585 in 2011 vs. 696 in 1st quarter of 2012) and a reduction in case processing (a defendant arrested today would be arraigned within 24 hours.²⁸

After the District Attorney decides to accept the charges, the defendant will be formally arraigned. At arraignment, the charges will be formally read by the Court and the defendant will be asked to submit a plea of guilty or not-guilty. At this time if indigence has been determined, the Public Defender will be formally appointed to represent the defendant.

Pre-Trial Hearings

After arraignment, various preliminary motions may be made by both prosecution and defense and ruled upon by the presiding judge, including discovery motions and motions to suppress court evidence that was obtained through violation of the defendant's rights. All pre-trial motions must be disposed of prior to trial.

The District Attorney, Public Defender, and the courts utilize plea bargaining to dispose of cases, usually these discussions start at the time of formal charge setting by the District Attorney through pre-trial hearings. Plea-bargaining is used to find agreement between the District Attorney, defendant, and the courts in an effort to avoid a trial and dispose of cases in a more expeditious manner. The vast majority of cases resulting in conviction are the result of plea agreements.

²⁵ Per the Orleans Parish District Attorney's Office website, <http://orleansda.com/divisions/diversion-program/>

²⁶ Orleans Parish District Attorney

²⁷ Information derived from memorandum between the District Attorney's Office and the Chief Judge of the Municipal Court, page 1.

²⁸ Not including weekends, based on memorandum between District Attorney's office and Municipal Court Chief Judge



Number of Convictions and Acquittals by Case Type: 2009-2011²⁹

Convictions	2009	2010	2011
Felony - Trials	165	178	283
Felony - Pleas	4,091	4,323	2,973

Trial

For those cases where there is no plea agreement, a trial date will be set by the court. In Louisiana a criminal defendant has a right to a trial by judge alone for misdemeanors, and by judge or jury (at the defendant's request) for all felonies. In the case of a judge trial, the judge decides all matters of law and fact, as well as the ultimate issue of guilt or innocence. In a jury trial, the judge decides all matters of law (such as admissibility of evidence, etc.) and the jury decides all matters of fact, including the ultimate issue of guilt or innocence.

The length of time to conduct a trial is affected by many factors and varies greatly by case type. Generally, more serious felony cases (e.g., murder, rape, etc.) will take longer than a misdemeanor trial where a jury isn't required and which may take a few hours or less.

In Criminal District Court, between 2009 and 2011, the number of trials increased by 40 percent.

	2009	2010	2011
Trials	228	280	320

As more cases have gone to trial, felony conviction rate has increased to more than 70 percent while misdemeanor conviction rate has declined to under 50 percent.

Trial Dispositions based on Charges Filed: 2009-2011

Type of Disposition	2009	2010	2011
Felony Trial Convictions	165	178	283
Felony Trial Acquittals	89	95	115
Total	254	273	398
Felony Conviction Rate	65.0%	65.2%	71.1%
Misdemeanor Trial Convictions	62	105	97
Misdemeanor Trial Acquittals	25	67	117
Total	87	172	214
Misdemeanor Conviction Rate	71.3%	61.0%	45.3%

Time to disposition is a measure of how long it takes a case to be processed by the courts. More complex cases (e.g. homicide) generally take longer to dispose than less complex cases

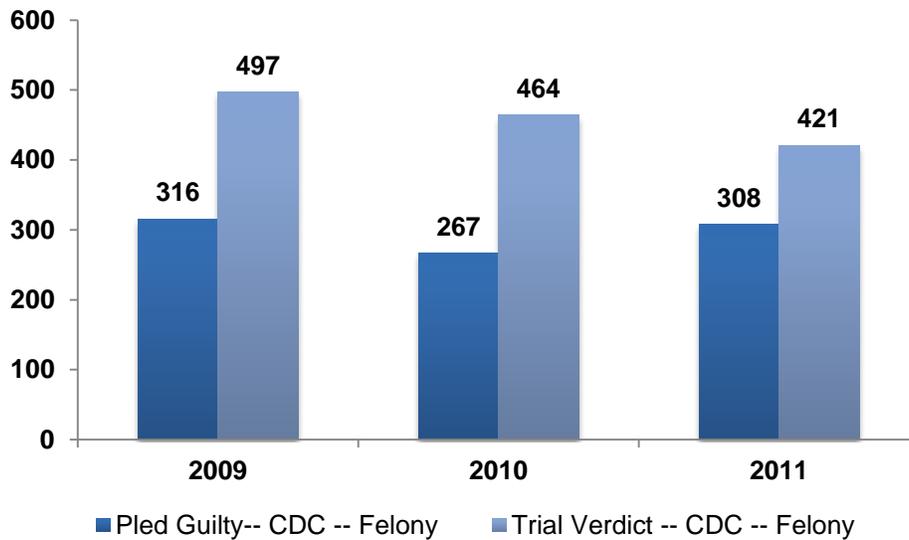
²⁹ Orleans Parish District Attorney



(e.g. minor misdemeanors) but also time to disposition is impacted by a myriad of other factors including, case readiness, discovery process, court scheduling, the number of continuances granted, failure to appear occurrences, and other factors. Also, time to disposition can be artificially reduced. In some cases, the District Attorney's office enters a nolle prosequi and a case will be closed. The District Attorney, however, can reinstitute the charges, which increases the number of cases but reduces time to disposition.

Neither Criminal District Court nor the Municipal Court was able to provide data on time to disposition. Based on data from the District Attorney for cases resulting in conviction, felony cases disposed through jury trials have seen average time to disposition improving since 2009, on average 15 percent faster in 2011. For the majority of felony cases that result in convictions through plea agreements, time to disposition was 3 percent faster in 2011 than 2009, but 15 percent slower than 2010.

Average Disposition in Days for Felony Cases: 2009-2011³⁰

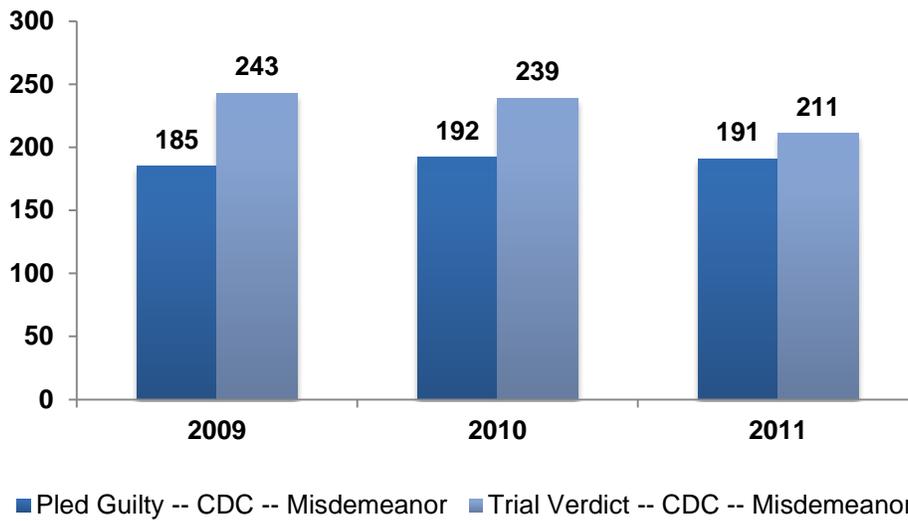


Like felony trial dispositions, average misdemeanor trial dispositions have been improving since 2009, on average 13 percent faster from 2009 to 2011. However, misdemeanor cases disposed of through plea agreements saw an increase of 3 percent in average time to disposition from 2009 to 2011.

³⁰ Data provided by OPDA. This metric is calculated as the average number of days from time case received by OPDA to final disposition



Average Disposition in Days for Misdemeanor Cases: 2009-2011³¹



Sentencing

Following a guilty plea agreement or conviction by judge or jury trial, the court will set a date for sentencing. Judges voluntarily follow sentencing guidelines established by the Louisiana Sentencing Commission. The purpose of the guidelines is to recommend a sanctioning policy that ensures certainty, uniformity, consistency, and proportionality of punishment, fairness to victims, and the protection of society. The guidelines are also intended to assist the court in stating for the record the considerations taken into account and the factual basis for imposing sentence.³² A judge can reject the guideline recommendation and impose any sentence which is not constitutionally excessive and which is within the statutory sentencing range for the crime for which the defendant has been convicted.³³

The State of Louisiana has relatively strict sentencing laws, including a strict habitual offender law that affects violent and non-violent offenders.

After a trial or plea agreement is concluded, the individual is sentenced based on the severity of their crime. As noted earlier, misdemeanor charges do not carry more than one year maximum sentence for incarceration. Most misdemeanor charges are reduced to probation or an alternative to incarceration such as community service, the successful completion of a substance abuse treatment plan, or other diversion program meant to provide individuals opportunities to avoid a jail sentence and remove the charge from their record. Most sentences also involve a criminal fine, where a convicted defendant is required to make payment as a punishment: in addition to fines, the court also frequently imposes fees.

In 2010, Louisiana had the highest state incarceration rate in the nation – 867 per 100,000 residents compared to a national average of 439 per 100,000 residents. Based on State DPSC data from 2010, 15% of all inmates confined by the State were from New Orleans.

³¹ Provided by OPDA. This metric is calculated as the average number of days from time case received by OPDA to final disposition

³²http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/sentencing_and_corrections/NCSC%20Sentencing%20Guidelines%20profiles%20July%202008.pdf

³³http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/sentencing_and_corrections/NCSC%20Sentencing%20Guidelines%20profiles%20July%202008.pdf



As of 2010, there were nearly 70,000 felony probationers/parolees statewide, resulting in an average caseload of approximately 130 per officer. However, there are officers who have specialized cases (i.e. cases that require a higher intensity supervision) which require a smaller caseload and therefore, officers may carry a caseload of 150 or more cases.³⁴ Caseloads in Orleans Parish were among the highest in the State.

Department of Corrections-Probation and Parole Caseloads, 2010

District	Authorized Positions	# Under supervision	Caseload
Lake Charles	26	4,255	164
Jefferson	24	3,660	153
Amite	25	3,489	140
Ville Platte	17	2,331	137
New Orleans	42	5,713	136
Statewide Total	522	67,859	130

In fact, as noted above, the number of offenders under supervision in Orleans Parish has now increased to 6,691 as of the summer of 2012 – up by 17.1 percent in just two years. With 44 officers currently budgeted for Orleans Parish, caseload is now up to just over 152 offenders per officer.

Despite the fact that they are among the most common sentences, we were unable to obtain data on the total amount of fines levied as a sentence for cases in Criminal District or Municipal Court. In addition, we were unable to obtain the number of offenders currently on municipal probation in New Orleans.

Other than probation, there are few true Alternatives to Incarceration (ATI) in Orleans Parish. Criminal justice systems across the country have expanded the use of ATIs to reduce pre-trial detention and long-term incarceration. Many ATI programs have proven to be effective and are less costly than incarceration.

ATIs are available as part of a number of specialized court programs administered through the Criminal District Court:

- **Drug Court:** Drug Court programs seek to reduce recidivism and drug use through treatment and close supervision. Drug Court is operated in six sections of Court and Magistrate Court. Additionally, the Juvenile Court operates a Drug Court which is a treatment –centered system that assists juveniles with substance abuse problems and their families in leading productive, substance free and crime-free lives. The program offers intensive rehabilitative services in a structured and supportive environment.³⁵
- **Domestic Violence Court:** Specialized domestic violence courts are designed to improve victim safety and enhance defendant accountability.
- **Mental Health Court:** Mental health courts link offenders who would ordinarily be prison-bound to long-term community-based treatment. They rely on thorough mental health assessments, individualized treatment plans and ongoing judicial monitoring to

³⁴ <http://doc.la.gov/pages/probation-parole/overview/>

³⁵ <http://www.opjc.com/drugcourt.php>



address both the mental health needs of offenders and public safety concerns of communities.³⁶ The Orleans Parish has had a Mental Health Court for approximately ten years and currently the court is presided over by Judge Herman. There are currently approximately 50 open cases and one case manager.

The number of defendants to these programs increased from 2009 to 2010, before then declining to 2009 levels in 2011. Specifically, the number of defendants admitted to Drug Court declined by more than 64 percent from 2009 to 2011.

Year	Drug Courts Defendants Admitted	Mental Health Court Defendants Admitted	Domestic Violence Court Defendants Admitted	Total
2009	542	N/A	811	1,353
2010	327	5	1,189	1,521
2011	191	29	1,153	1,373

Re-Entry

After successful completion of post-release supervision an offender will be completely removed from the Criminal Justice System. To ease this transition, reduce recidivism, and provide for better post-release outcomes the Louisiana Department of Corrections and Public Safety (DCPS) and Orleans Parish stakeholders have been advancing reentry initiatives. In 2002, DCPS organized and standardized programs and services to deal with these issues and to better prepare offenders for a successful reintegration into their communities.³⁷ Additionally, every eligible offender released from a DCPS facility or a local reentry center receives a complete reentry curriculum consisting of 100 hours of instruction in various topics. The classes provide a range of offerings from how to find a job, money management and victim awareness to name a few.³⁸

Soon-to-be released offenders also secure their driver's license/identification through the Department's Office of Offender Reentry. A major part of the Department's Reentry programming calls for offenders to have identification, social security cards and birth certificates upon release all of which increase their chances of being ready for employment right away.³⁹

Certain eligible offenders may enter a traditional transitional work program (formerly work release) from one (1) year to three (3) years prior to release from incarceration, depending on the offense of conviction. Offenders who are approved for transitional work programs are required to work at an approved job and, when not working, they must return to the structured environment of the assigned facility. Probation and Parole Officers are assigned monitoring responsibilities for contract transitional work programs. This may include conducting random drug screens and random shakedowns of the facility. Additionally, the Probation and Parole Officer is part of the Auditing Teams that conduct annual audits of the programs. Transitional work programs are successful in assisting an offender with making the transition from prison back into the work force. Approximately 10 to 20 percent of offenders remain with their employer

³⁶ <http://www.courtinnovation.org/topic/mental-health>

³⁷ <http://doc.la.gov/pages/reentry-initiatives/overview/>

³⁸ <http://doc.la.gov/pages/reentry-initiatives/overview/>

³⁹ <http://doc.la.gov/pages/reentry-initiatives/overview/>



copy of the delinquency petition and a subpoena to appear in Court before a judge. If the District Attorney decides to prosecute a juvenile who was detained in jail after being arrested, the youth must be brought to Court before a judge before he can be considered for release. When the youth and parent appear before the judge, the Court will serve them with a copy of the delinquency petition. This Court hearing is called the "Continued Custody" hearing.⁴⁶

In 2011, 1,283 cases were processed through Juvenile Court and through the first quarter of 2012, 319 cases were processed or currently open. Not all of these cases are criminal in nature. The Juvenile Court also has jurisdiction over adoption, abuse and neglect cases. It is worth noting that the amount and detail of the data available for Juvenile Court proceedings is superior to that provided by Criminal District, Municipal or Traffic Court.

Juvenile Court Proceedings⁴⁷

The following are the major court processes of Juvenile Court:

- **First Appearance:** Once a juvenile has been arrested the child and custodian must appear in Juvenile Court within a day or two the arrest. The judge will determine if the custodian can afford an attorney and if not, the judge will appoint an attorney to represent the child.
- **Probable Cause Hearing:** At the first appearance, the judge will ask the child's attorney to stipulate that the police report establishes that the police officer had enough facts to lawfully arrest the child. If the juvenile's attorney does not believe that there are enough facts in the police report to justify the arrest, then the attorney can ask for a "probable cause" hearing. The purpose of the hearing is to find out if the arrest itself was lawful. At this hearing, the arresting officer will testify about the facts and circumstances of the arrest. After the testimony, the judge will decide if there was "probable cause" for the arrest. If the judge finds that the police officer did not have a factual basis to arrest the child, the judge will immediately release the child into custody. If the judge finds that there was a factual basis to arrest the child, then the judge will review the child's prior criminal record.
- **Criminal Record Review:** Based on a child's prior criminal record or lack of it, the judge will then decide whether the child should be held in jail until a trial is held. In making this decision, the law requires the judge to consider a number of things, including the seriousness of the crime with which your child is charged, the circumstances of the alleged crime, and whether there is a threat to public safety or to other potential victims. After reviewing these considerations, the judge may decide to detain the child pending trial or to release to your child to your custody until the trial is held. If the judge releases the child to parental or guardian custody, there may be conditions of the release, such as being placed on an electronic monitoring device, placed on house arrest, or required to stay away from the alleged victim of the crime. The child may also be required to go to school or to attend a special pre-trial monitoring program.
- **Bond Setting:** If the judge decides to detain the juvenile, the judge will set a bond. Bonds are set either for payment in cash or through a bail bond company. Usually, the

⁴⁶ <http://www.opjc.com/delinquency.php>

⁴⁷ All Juvenile Court Proceeding descriptions taken from Juvenile Court's website located here: <http://www.opjc.com/what.php>



judge will require the payment of 10% of the bond in order to release a child. A child may remain in jail until trial if they are unable to make bond or choose not to make bond, the child will be detained in jail pending trial.

- **Pre-Trial Conference:** After bail setting, the judge will set a "Pre-Trial Conference" for the juvenile. This hearing is usually held within a week to ten days of arrest. The custodian will be served with a subpoena to return to court with the child for the pre-trial conference. The pre-trial conference is held in a new section of court with representation by a different public defender. At the Pre-Trial Conference, the juvenile's attorney reviews the police report, discusses the case with the defendant and child's custodian and will seek to identify potential defense witnesses. At the pre-trial conference, the custodian must decide if the juvenile will plead not guilty and set the matter for trial, or to plead guilty. If a not-guilty plea is entered, the judge will set the case for trial. If the child is detained, the law requires the judge to set the trial within 30 days of the child's first appearance in court. If the child has been released to custody pending trial, the law requires the judge to set the trial within 90 days the first appearance in court. If the child's case is set for trial, both the child and custodian will be served in court with a subpoena to come back for the trial. If the juvenile pleads guilty at the pre-trial conference, the judge can either set the matter for sentencing at a later date or the child's attorney can waive the legal delays and request the judge to sentence the child then.
- **Trial:** At a trial, the District Attorney must prove beyond a reasonable doubt the juvenile committed the alleged crime. After hearing all the testimony and evidence, the judge will make a decision. If the judge determines that the DA has not proven the case beyond a reasonable doubt, then the juvenile goes free and the case is dismissed. The judge may find that the DA has proven the case beyond a reasonable doubt, and will find the child to be guilty of committing the offense, and therefore the judge will adjudicate the child to be a delinquent.
- **Sentencing:** Any delinquency findings are subject to sentencing. The judge can sentence the delinquent to a state facility, restitution, community service, an alternative to incarceration program, probation or a combination of any of these sentencing options.

During the juvenile proceedings, youth can be detained prior to disposition. In 2011, 483 were detained. During the first quarter of 2012, 174 youth have served in detention—the average length of stay in detention is 18 days.

Juvenile Court assesses fines/fees for restitution and as penalties for convictions of crimes and offenses. The following tables details average fine amounts and number of annual fines:



Average Fine Amount by Type: 2009-2011

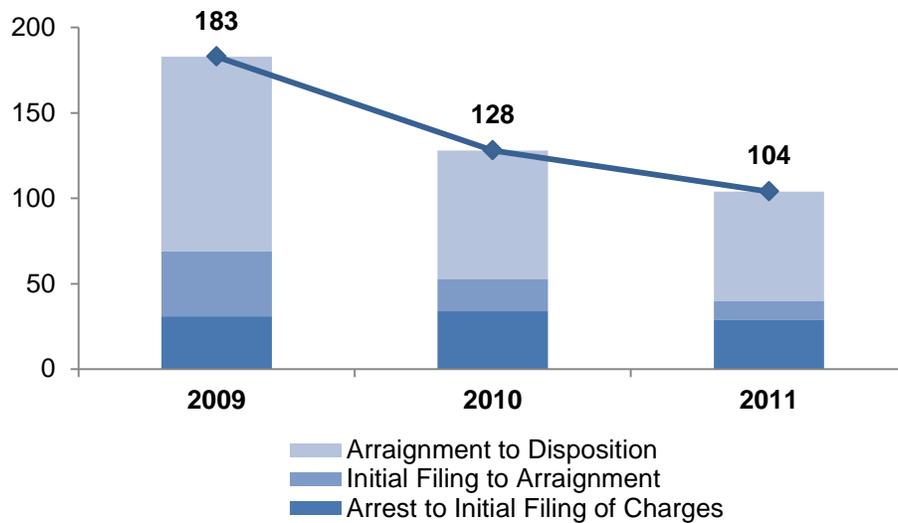
Fine	2009	2010	2011
Contempt-Defendant	\$100	\$107	\$100
Fine	\$136	\$88	\$100
Restitution	\$489	\$564	\$582
Traffic Court Fine	\$44	\$43	\$44

Number of Offender Fines: 2009-2011

Fine	2009	2010	2011
Contempt-Defendant	20	30	25
Fine	9	4	5
Restitution	64	36	34
Traffic Court Fine	279	201	154

Unlike the Criminal District Court and the Municipal Court, the Juvenile Court closely tracks time to disposition. From 2009 to 2011 average time to disposition decreased 43%, largely due to reductions in days from initial filing to arraignment and arraignment to disposition.

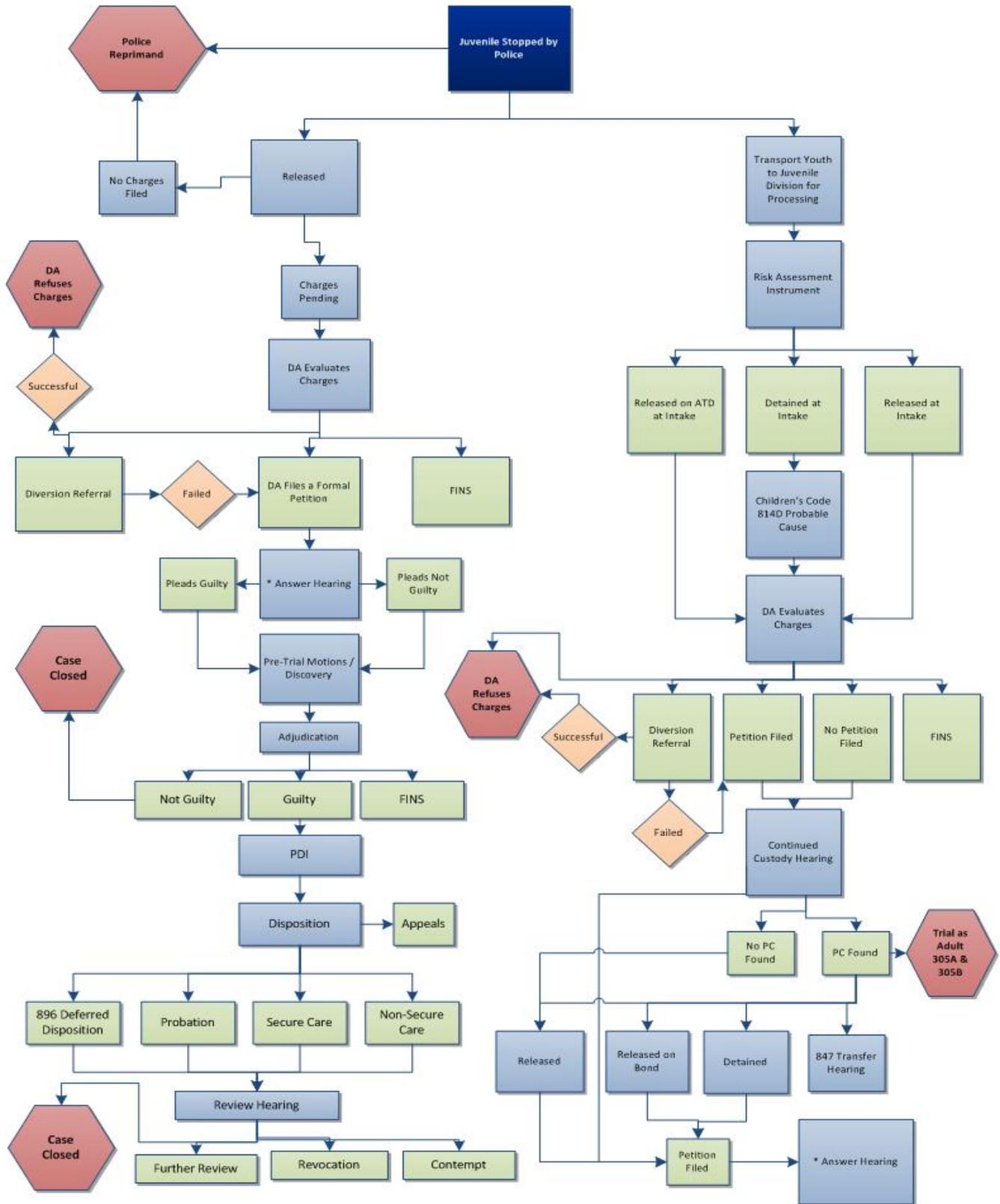
Overview of Juvenile Court Average Time to Disposition: 2009-2011⁴⁸



⁴⁸ Data provided by Juvenile Court



Flow Chart of Juvenile Case through New Orleans Criminal Justice System⁴⁹



⁴⁹ Based on information by the City of New Orleans Department of Human Services



Similarly to overall time to disposition, average age of pending cases has declined from 2009 to 2011 as detailed in the table below:

Average Age of Pending Cases by Court (in months): 2009-2011⁵⁰

Case Type	2009	2010	2011
Delinquency	35	22	9
Formal FINS	N/D	22	9
Miscellaneous	N/D	19	8
Traffic	N/D	18	7

Traffic Court⁵¹

The process for individuals involved in a traffic related violation, including DUIs but not including parking tickets, is much simpler and expedited than for an individual charged with a felony or misdemeanor. Most cases do not result in a trial and in many cases; those charged with traffic violations can simply pay a required fine. However, it should be noted that based on interviews with multiple stakeholders, delays in the system do exist due to the frequency of cases being “rolled”, or moved to a date in the future to be determined based on a limited number of hours that Traffic Court justices are in court for and an above average amount of traffic violations.

The first step in the process is an individual receiving a citation for a traffic violation. A traffic citation has one or more violations and is hand-written by the police officer. Every traffic violation has a specific fine and fee associated with it. At the bottom of the traffic citation, the officer is required to provide the arraignment due date (first appearance date). This is the date by which the motorist must take action on his/her ticket. The action taken by the motorist must be:

- Plead guilty and pay the fines and fees
- Plead not guilty and request a trial date before a Traffic Court Judge

Normally, Traffic Court receives traffic tickets from police agencies between seven (7) and ten (10) days after a ticket was issued to a motorist. Upon receipt, Traffic Court employees enter the tickets into the Courts computer system, and the ticket is immediately available for processing. If the motorist takes no action on or before his/her first appearance date, considered a Failure to Appear, a late fee of \$100.00 will be added to the original total amount due for the traffic citation. Additionally an arrest attachment may be issued for the offender and if they are subsequently stopped for other traffic infractions they could be arrested. Arrest attachments may also be issued for failure to make a deferred Traffic Court payment.⁵²

An individual has the option to pay the fine associated with the ticket or contest the ticket in Traffic Court, generally within two to three weeks. Traffic tickets may be paid via the mail, online or in-person at Traffic Court. If a traffic ticket is to be contested the recipient must request a trial date, either through the mail or in person at Traffic Court. If a violation is contested or a plea of not guilty is entered, the individual will be provided a trial date. Based on information provided by the Traffic Court, it takes an average of 30 days to move from the initial appearance to the trial phase. If a hearing is requested, the police officer who handled the violation is subpoenaed to court to provide testimony and be available for questioning.

⁵⁰ Data provided by Juvenile Court

⁵¹ Juveniles who are cited for traffic violations appear in Juvenile Court.

⁵² <http://www.nola.gov/GOVERNMENT/Traffic-Court/General-Information/#general>



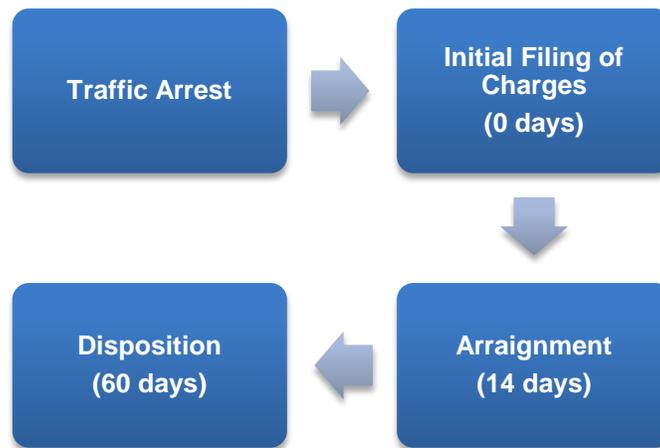
The Traffic Court currently has four judges presiding over trials and motions. In 2011, there were 1,818 misdemeanor cases filed in the court and 167,125 traffic cases filed. According to data provided by the Court, 50,285 traffic violations were issued in 2012 to date and 50,949 were disposed of.⁵³ Of this amount, over 23,000 were issued a fine in an average amount of \$175.

Orleans Parish Traffic Court⁵⁴	2009	2010	2011
Number of Offenders Sentenced to Fines	17,283	22,352	23,080
Average Fine Amount	\$175	\$175	\$175
<i>Estimated Revenue Derived from Fines</i>	\$3,024,525	\$3,911,600	\$4,039,000

Time to Disposition

Like Criminal District Court and Municipal Court, time to disposition of traffic cases resulting in arrests is affected by many factors. The average age of pending cases in Traffic Court is 30 days. On average, time from traffic arrest to final disposition is 90 days. Key points in the process are detailed below:

Traffic Court Average Time to Disposition⁵⁵



Case Outcomes

Very few traffic citations are handled via a judge trial. Most traffic cases are closed via a plea or dismissal. Through the first quarter of 2012, 50,285 traffic violations were issued and 50,949 violations were disposed, most of which were not contested. The table below details case outcomes for 2009-2011.

⁵³ Based on data received from the Orleans Parish Traffic Court

⁵⁴ Based on data provided by the Orleans Parish Traffic Court

⁵⁵ Data provided by traffic court



Case outcomes by court based on initial filing: 2009-2011⁵⁶

Case Outcome	2009	2010	2011
Total Violations Issued	N/A	N/A	N/A
Dismissals	58,458	44,459	41,580
Pleas	65,732	80,182	75,546
Guilty at Trial	N/A	N/A	7
Acquittal at Trial	39	52	24

⁵⁶ Based on data received from the Orleans Parish Traffic Court



Standards and Measures of Workload and Performance in the Criminal Justice System

As part of the City's annual Budgeting for Outcomes process all departments and entities that receive City funding are required to report performance measures to the Chief Administrative Office on a quarterly basis. These performance measures are used to demonstrate success on reaching citywide goals and are used by City leaders and managers to drive decision-making, improve performance, and resource allocation. The following are Key Performance Indicators (KPIs) currently used by New Orleans Criminal Justice Agencies:

Department	Key Performance Indicators	2011 Actuals	2012 Target	2012 1st Quarter Results
Courts				
Criminal Court	Number of Cases Accepted	4,976	7,831	1,462
Criminal Court	Number of Open Cases	2,861	2,684	2,280
Criminal Court	Number of Jury Trials	320	420	87
Juvenile Court	Number of Cases	561	1,000	319
Juvenile Court	Number of Youth in Detention	296	604	174
Juvenile Court	Time from Adjudication to Disposition (in days)	11	10	11
Juvenile Court	Length of Stay in Detention (in days)	21.4	26	18
Juvenile Court	Average Daily Population (# of youth)	22.6	26	34
Municipal Court	Community Service Program Estimated Savings to City Agencies for In-kind Services	\$216,000 (27,000 x \$8/hour)	\$450,000	
Municipal Court	Misdemeanor Filings – Filed/Terminated	14,822 / 17,024	30,000 / 34,000	
Municipal Court	State Misdemeanor Filings – Filed/Terminated	555 / 585	2,500 / 2,200	
Traffic Court	Traffic Violations Issued			50,285



Department	Key Performance Indicators	2011 Actuals	2012 Target	2012 1st Quarter Results
Traffic Court	Traffic Violations Disposed			50,949
Public Safety				
Coroner	Number of Deaths Report	1,505	3,050	761
Coroner	Number of Autopsies	994	2,100	480
Coroner	Investigations Performed	604	1,300	313
Coroner	Time to Complete Report	6-8 weeks	6 weeks	6-7 weeks
Coroner	Number of Psychiatric Interviews	1,980	3,320	1,260
Coroner	Hospitalization of Patients	1,900	3,130	1,232
Police	Monthly Average of Crimes Against Person	211.5	0-3%	
Police	Monthly Average of Crimes Against Property	1,129.20	0-3%	
Police	Field Operations Bureau Investigations Clearance: Rate for Crimes Against Property	12.80%	16%	
Police	Field Operations Bureau Investigations Clearance: Rate for Crimes Against Person	46%	45%	
Police	% of Overall Satisfaction with the Police Department	60%	60%	
Police	% of Residents Reporting that They Feel Safe in Their Neighborhood	74%	70%	
Sheriff's Department	Number of Inmates Processed	36,100	38,000	9,119
Sheriff's Department	Number of State Charges	19,000	20,000	5,611



Department	Key Performance Indicators	2011 Actuals	2012 Target	2012 1st Quarter Results
Sheriff's Department	Number of Municipal Inmates Housed Daily	2100	2100	2,024
Prosecution & Defense				
District Attorney	Case Acceptance Rate	86.50%	86%	
District Attorney	Number of Jury Trials	202	370	
District Attorney	Guilty Pleas	3,058	6,500	
Law	Number of cases handled (Municipal and Traffic Courts)		103,000	
Law	Number of Attorneys		10	
Law	Number of Attorneys/Cases per month		930	
Public Defender	Manage felony trial disposition rate of 15%.		15%	
Public Defender	Manage total trial disposition rate of 10%.		10%	
Public Defender	Represent 100% of eligible (non-capital) clients.		100%	

Many of the listed KPIs are helpful indicators of activity and workload of the applicable departments/entities. Other performance measures, used in other jurisdictions or cited as national best practices, may offer more information to decision makers. Most importantly, the City needs to develop metrics that provide information on overall criminal justice system efficiency and effectiveness.



Best Practice Workload Standards

Workload is an important component of determining system efficiency. To the extent that different agencies in the criminal justice system can handle higher workload with the same or less resources, that will produce an increase in efficiency. On the other hand, workloads of individual agencies can have an unintended impact on overall system efficiency. For example, the efficient use of resources in one department could reduce the overall efficiency and effectiveness of the system.

While no two local governments are identical and often staffing decisions are impacted by what a municipality can afford and what risks they are willing and able to accept, the following are important considerations/methodologies for any municipality reviewing criminal justice system workloads.

Police

According to the International City/County Management Association (ICMA), police staffing decisions, particularly in patrol, must be made based upon actual workload and very few police agencies have the capability of conducting that analysis. However, once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time should exist, consistent with the community's ability and willingness to fund.⁵⁷ "A key resource is discretionary patrol time, or the time available for officers to make self-initiated stops, advise a victim in how to prevent the next crime, or call property owners, neighbors, or local agencies to report problems or request assistance. Understanding discretionary time, and how it is used, is vital. Yet most departments do not compile such data effectively. To be sure, this is not easy to do and, in some departments may require improvements in management information systems."⁵⁸

While there are no recommended "officer per thousand" standards, this can be a helpful, albeit blunt, comparison metric for municipalities with similar crime, demographic, and geographic characteristics.

Sheriff

Inmate/staff ratios often are cited when discussing the appropriate staffing levels of a jail or prison; however these ratios can vary widely due to physical layout of the jail, offender characteristics, programming offered and other factors. Smaller staff ratios do not translate to a more effective and efficient jail. The American Justice Institute conducted a study in 1984, concluding that "poor staff-inmate ratios are not the key variables which determine the public safety, internal safety, climate and work . . ." and that "there is really no ideal staffing pattern."⁵⁹

While staff to inmate ratios can offer a blunt comparison of staffing of comparable facilities there are a host of issues to consider when comparing staff-inmate ratios. A staff-inmate ratios review published through the National Institute of Corrections identified the following issues:

- Inmate Population: Who Will Be in the Jail - How Many, Why, and For How Long: Jail size affects staff needs; small facilities often require more staff per inmate than large facilities.

⁵⁷ *Determining Police Staffing and Deployment*. International City/County Management Association.

⁵⁸ *Determining Police Staffing and Deployment*. International City/County Management Association.

⁵⁹ American Justice Institute, *The Impact of Differing Staffing Ratios on Prison Environments* (Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1984).



- Operational Philosophy of the Facility: The operational philosophy of a facility:
 - is the starting point for determining the programs and services to be provided;
 - provides direction for the facility design; and
 - determines specific management approaches governing facility operations.
- Level of Service the Jail Will Provide: Among the important elements determined by a facility's operational philosophy is the level of service that will be made available. The degree to which a new jail will be a vehicle for providing such services as education, counseling, or work depends in large part on the underlying premises that define its mission.
- Physical Layout of the Facility: The physical layout and design of the facility affects staffing needs. Design affects:
 - where staff will be stationed;
 - how many staff will be needed to supervise an area; and
 - how much movement of staff and inmates will be required?
- Management of Inmates: A crucial decision with far-reaching implications for staffing is how much interaction will take place between inmates and staff—whether the facility will emphasize “surveillance” or “supervision” of the inmates. This is both a design and a management decision, and it has important consequences for all aspects of the proposed facility.⁶⁰

Courts

The National Center for State Courts (NCSC) is an independent, nonprofit court improvement organization and has conducted workload assessment in nearly 30 states. NCSC offers the following regarding workload and resource assessment:⁶¹

“Systematically assessing the number of people, appropriate resources, and measures of caseloads is critical for ensuring that courts and related agencies are able to deliver quality service to the public effectively and without delay. Given the increasing number and complexity of cases, it is important for states to use an objective workload assessment process, combined with an interconnectedness of judicial and staff work that allows for a holistic assessment of resources needed, to ensure that existing judges and court support staff are used effectively and allocated equitably.”⁶²

NCSC recommends weighted caseload as the best method for assessing judicial need. Weighted caseload is a technique for determining how much time is required to process a given court's caseload from filing to disposition.⁶³ Cases vary in complexity, and different types of cases require different amounts of time and attention from judges and court support staff.

There are limitations to weighted caseload analysis, including inadequate data and expense and problems with keeping weights current. NCSC has, however, outlined steps for how courts can overcome these obstacles to implementing weighted caseload methodologies. The following table details case types and weights for courts in selected states.

⁶⁰ Barbara Krauth. Staff-Inmate Ratios: Why It's So Hard to Get to the Bottom Line. (September, 1998). Accessed electronically here: <http://static.nicic.gov/Library/007105.pdf>

⁶¹ <http://www.ncsc.org/About-us.aspx>

⁶² <http://www.ncsc.org/Topics/Court-Management/Workload-and-Resource-Assessment/Resource-Guide.aspx>

⁶³ http://www.ncsconline.org/WC/Publications/Res_WorkLd_AssessNeedsJudges&StaffPub.pdf



Case Types and Weights Used for General Jurisdiction Courts in Selected State⁶⁴

<u>Minnesota</u>		<u>Wisconsin</u>		<u>Washington</u>		<u>Colorado</u>	
Criminal		Criminal		Criminal		Criminal	
Serious Felony	664	Felony	116	Person	395	Criminal	113
Other Felony	120	Misdemeanor	30	Property	113	Homicide	492
Gross Misdemeanor/DWI	56	DWI	29	Criminal Appeal	87	Felony 1	529
Gross Misdemeanor	42			Other Crimes	82		
5th Degree Assault	20						
DWI	11						
Nontraffic Misdemeanor	5						
Petty Misdemeanor	1						
Parking	0.1						
Domestic		Domestic		Domestic		Domestic	
Other Family	217	Divorce	58	Domestic/Paternity	51	Domestic	58
Dissolution w/child	182	Protective Action	19	Guardianship	37		
Dissolution w/out child	63	Other Family	16	Adoption	12		
Support	45	Paternity	35				
Other Juvenile	45						
Domestic Abuse	37						
Adoption	22						
Juvenile		Juvenile		Juvenile		Juvenile	
Term Parental Rights	150	Delinquency	47	Dependency/ARP	119	Juvenile	69
Dependency/Neglect	149	Ordinance	15	Juvenile Offender	47		
Delinquency Felony	59	Chips	158				
Truancy	55						
Delinquency under 10	46	Traffic					
Delinquency Gr. Misd.	38	Traffic	15				
Runaway	29	Ordinance	16				
Delinquency Misdemeanor	26						
Status Offense	12						
Juvenile Traffic	5						

NCSC also advocates for applying the principles of a weighted caseload framework to court support staff. Court support functions are many and wide-ranging and can vary tremendously by case filing type. Studying all of the activities and functions of court support staff and assigning weights to case filings will allow the court to assure adequate support staffing. For illustrative purposes, the following table details criminal case weights for court support staff in the California Superior Court.

⁶⁴ http://www.ncsconline.org/WC/Publications/Res_WorkLd_AssessNeedsJudges&StaffPub.pdf



Criminal Case Weights for Court Support Staff in the California Superior Court⁶⁵

	Los Angeles Superior Court			California without Los Angeles Superior Court		
	Avg. Time (minutes)	Frequency of Event	Task Weight	Avg. Time (minutes)	Frequency of Event	Task Weight
Case Initiation, Document Acceptance, and Counter Activities	87.8	1.0	87.8	62.1	1.0	62.1
Preparation of Finished Minutes, Court Orders, Judgments, and Warrants	7.9	12.1	95.3	17.1	7.5	128.0
Record Keeping, Case File, and Register of Actions Maintenance	188.0	1.1	204.9	144.1	1.1	154.2
Notification of Court Actions	16.6	1.9	30.8	16.6	1.8	30.2
Calendaring Activities	15.2	3.7	56.6	10.2	8.3	84.8
Own Recognizance Investigation and Processing	200.4	1.3	266.6	214.4	0.1	19.6
Courtroom Activities	282.2	1.1	307.6	219.7	1.1	235.1
Jury Services	755.2	0.1	64.6	1,462.2	0.1	128.4
SUBTOTAL			1,114.2			842.4
Legal Research			3.0			12.9
Direct Supervisions			73.2			37.4
TOTAL FILING WEIGHT (minutes per filing)			1,190.4			892.7

Alternatives for assessing the needs for judges and court support staff include:

- **Delphi Technique:** Judges/court support staff estimate the amount of time various cases take, without directly measuring time spent on each case activity.
- **Simulation Models:** Allows courts to examine proposed changes to resources and procedures before the actual changes occur.
- **Regression Model:** Regression analysis is a statistical technique that will assist an analyst in estimating the need for judges or court support staff based on court-to-court variations in caseload or demographic variables.
- **Ratio Models:** Assume the need for support staff can be determined as a fixed ratio of court support staff to trial court judges, caseloads, or population.⁶⁶

At the state level, Louisiana uses a “workpoints” system to assess judicial workload. The State Judicial Council developed the workpoints analysis for the specific purpose of assessing requests for increasing the number of judges in a jurisdiction. The criteria used to evaluate the need for judgeships were developed in the early 1980s by Dr. Hugh Collins, former Judicial Administrator for the Louisiana Supreme Court. The approach is based on several factors,

⁶⁵ http://www.ncsconline.org/WC/Publications/Res_WorkLd_AssessNeedsJudges&StaffPub.pdf

⁶⁶ http://www.ncsconline.org/WC/Publications/Res_WorkLd_AssessNeedsJudges&StaffPub.pdf



including the number of hours of judicial activities a year a judge should be expected to work, the number of filings in a jurisdiction and the result of an analysis of the application of specific work point values to different types of case filings. The outcome of analysis based on such an approach is one of several important indicators that should be used when evaluating the need for judgeships.⁶⁷

The Judicial Council has established the following workpoints for felony, misdemeanor, juvenile, and traffic cases:

Judicial Council Workpoint Values: 2010⁶⁸

Case Type	Work Point Value
Felony	3.9
Misdemeanor	0.4
Traffic	0.02
Juvenile CINC	2.6
Juvenile Delinquency	2.6
Juvenile Other	0.76

Applying these workpoints to judges serving New Orleans, it is possible to compare the current number of judges in each court with the number that a workpoints analysis would suggest are required:

Court	Judges Needed	Actual Judges
Criminal District Court	8.0	12.0
Municipal Court	3.9	4.0
Juvenile Court	1.0	6.0
Traffic Court	1.2	4.0

Staff at the State Judicial Council, however, noted that workpoints are generally a starting point in assessing the need for new judgeships – not necessarily a tool for assessing the need for existing judges. Moreover, they also discounted the applicability of workpoints in Louisiana as a means of assessing judicial support staffing needs.

District Attorney

The American Prosecutors Research Institute (APRI), with the support of the Bureau of Justice Assistance (BJA), has developed a method to quantify and understand the level of effort associated with case processing in order to project resource needs. APRI found it was important to distinguish between caseload (the amount of time spent processing cases and the array of cases processed) and workload (caseload plus time associated with non-case related activities). Even more significantly, the most reliable projection of resource needs is based on the overall workload of a prosecutor and not the caseload.⁶⁹

⁶⁷ Report of the Judicial Council to the State Legislature In Response to Senate Concurrent Resolution No. 91 of the 2007 Regular Legislative Session. (May, 2011).

⁶⁸ Report of the Judicial Council to the State Legislature In Response to Senate Concurrent Resolution No. 91 of the 2007 Regular Legislative Session. (May, 2011).

⁶⁹ <http://www.ndaa.org/pdf/How%20Many%20Cases.pdf>



Understanding that cases run along a continuum (from screening to filing, to plea or trial, and then to sentencing and possibly appeal) and that the point of disposition can dramatically affect the amount time spent on a case, APRI developed a disposition-based method for assessing both caseload and workload. The disposition-based method includes all time spent processing cases, from the initial screening through final adjudication, including post-adjudication activities, and non-case related activities such as office administration, law enforcement coordination, and community outreach to obtain an overall understanding of the office workload and staffing needs.⁷⁰

APRI conducted caseload and workload assessments in 56 prosecutors' offices across the country to determine if it was feasible to develop national caseload and workload standards. These assessments took into consideration the unique criminal code, the crimes over which the prosecutors have authority, and the court structure to determine what impact these factors may have on workload. APRI concluded that the variation across the country could not be controlled, and thus it is not feasible to develop national caseload and workload standards. It is possible, however, for individual prosecutors' offices and individual states to develop their own caseload and workload standards.⁷¹

APRI has developed guidance on the disposition-based method and provides guidance to prosecutors on how to assess their own caseload and workload. In a disposition-based assessment, the average amount of time spent bringing a case to disposition is calculated for different types of cases in order to develop relative weights for each type of case. As part of a disposition-based assessment, the amount of time prosecutorial staff spend on different types of cases, whether or not a disposition is achieved, and the point at which it was achieved are recorded by the staff in a prosecutor's office. The amount of time and the number of dispositions at each disposition point recorded are then used to calculate the average amount of time needed to process each type of case. Time spent on non-case related activities is added to the case processing time to determine the workload measure. The workload measure represents the number of cases of a specific type a person can handle if he or she works only on that type of case. In addition, the workload measures consider the actual number of work hours available in a year (less holidays, sick leave, vacation, and mandatory professional training hours).⁷²

Once the case weights and workload measures are determined then estimated attorney positions needed may be calculated using annual case dispositions. The following table is a hypothetical example provided by APRI in their "How Many Cases" monograph:

⁷⁰ <http://www.ndaa.org/pdf/How%20Many%20Cases.pdf>

⁷¹ <http://www.ndaa.org/pdf/How%20Many%20Cases.pdf>

⁷² <http://www.ndaa.org/pdf/How%20Many%20Cases.pdf>



Hypothetical Resource Assessment⁷³

Type of Case	Dispositions	Workload Measure	Projected FTE Attorney Positions
Criminal homicide	36	19.69	1.83
Rape/sex offenses	224	33.2	6.75
Robbery	443	145.35	3.05
Aggravated assault	335	110.8	3.02
Larceny/theft	1,441	249.58	5.77
Felony drug	2,341	279.5	8.38
Economic crime/major fraud	505	49.89	10.12
Other miscellaneous felony	880	372.17	2.36
TOTAL	6,205		41.28

Public Defender

The only national body that has attempted to quantify a maximum annual public defender caseload is the National Advisory Commission (NAC), which published its standards in 1973. The commission, made up of elected officials, law enforcement officers, corrections officials, community leaders, prosecutors, judges, and defense attorneys, was appointed by the administrator of the federal Law Enforcement Assistance Administration. In NAC's report, Standard 13.12 on courts provided the following case standards:⁷⁴

NAC Caseload Standards

Case Type	Maximum Cases / Year
Felony	150
Misdemeanor	400
Juvenile Court	200
Mental Health	200
Appeals	25

Additionally, the Louisiana Indigent Defense Board has established the following statewide public defender workload standards:

Louisiana Indigent Defense Board Workload Standards

Case Type	Maximum Cases / Year
Felony	200
Misdemeanor	450
Juvenile Court	250
Appeals	50

⁷³ <http://www.ndaa.org/pdf/How%20Many%20Cases.pdf>. Calculation: Annual Case Dispositions/[Workload Measure]=FTE Staff Positions Needed

⁷⁴ <https://www.ncjrs.gov/pdffiles1/bja/185632.pdf>



Case weighting techniques (either Delphi or time record-based) have been adopted by Public Defender offices (Colorado, New Hampshire, and Wisconsin, among others) that attempt to account for the actual time spent on a particular type of case. The Colorado Public Defender utilizes case weighting and the formula has been accepted for purposes of both budgeting and analyzing the fiscal impact of proposed legislation. As a result, the Colorado Public Defender reports that its attorney staffing levels have been adequately funded in recent years.⁷⁵ The following case-weighting standards were developed in Colorado:

Colorado Case-Weighting Standards⁷⁶

Case Type	Urban Office	Rural Office
Felony 1	6	6
Felony 2-3	80	80
Felony 4-6	241	191
Juvenile	310	305
Misdemeanor	310	598
Traffic	259	285

Other workload restrictions have been applied in concert with broad caseload standards. For example, the Indiana Public Defender Commission has developed the following support staff ratios:

Ratio of Support Staff to Attorneys⁷⁷

Type of Case	Paralegal	Investigator	Law Clerk	Secretary
Felony	1:4	1:4	-	1:4
Misdemeanor	1:5	1:6	-	1:6
Juvenile	1:4	1:6	-	1:5
Mental Health	1:2	-	-	-
Appeal	-	-	1:2	-

⁷⁵ <https://www.ncjrs.gov/pdffiles1/bja/185632.pdf>

⁷⁶ <https://www.ncjrs.gov/pdffiles1/bja/185632.pdf>

⁷⁷ <https://www.ncjrs.gov/pdffiles1/bja/185632.pdf>



Best Practice Measures for the Criminal Justice System

New Orleans should consider adopting a series of best practice measures for the criminal justice system and for individual agencies and organizations within the system. The department and entity specific performance measures are leading indicators of efficiency and effectiveness while the system-wide measures are leading indicators of overall criminal justice system efficiency and effectiveness. A measure is deemed system-wide if it measures the efficiency and or effectiveness of a system process or function where multiple stakeholder can impact the measure (e.g., time to disposition will be impacted by the court system, district attorney, public defender, police, and possibly other stakeholders).

In response to public outcry for the Mecklenburg County government to address system-wide deficiencies – including increases in crime and the lack of public access to performance metrics on the criminal justice system – a Blue Ribbon task force was convened to identify solutions and recommendations. In November 2008, the Task Force published its final report. One of the central recommendations was to “create [a] criminal justice system report”.⁷⁸

The result of this recommendation is the Mecklenburg County Criminal Justice System Dashboard. The Dashboard is a highly adaptable, user friendly interface which compiles data from a variety of host agencies. Data is available at a variety of levels of detail, including last 24 hours, weekly, monthly, annual, and multi-year historical trends. The data is updated daily and includes key performance indicators examining the following:

- **Trial Court Performance Index:** This indicator captures the overall clearance rate for criminal cases, overall time to disposition, and average age of pending cases. Mecklenburg County’s “corporate goal” is to achieve 75 percent or more of the targeted trial court goals. For 2010, Mecklenburg County achieved a 76 percent index.⁷⁹
- **Detailed Arrest Data:** Information on basic demographic details related to arrest (gender, race, repeat offenders) as well as arresting agency, order type (warrant, order for arrest, visual witness to a crime). Release information is provided detailing type of bond that is set, whether an individual was released prior to booking, length of processing and the type of charge that was assessed.
- **Jail Population:** Provides details on gender, race, residence, current charge type, legal status, and a facility population breakdown.
- **Pretrial Release:** Provides caseload statistics related to gender, race, residence, type of charge, time under supervision, and rates of successful completion of defendants under supervision.
- **Court Performance:** Provides details on gender, race, residence, current charges filed by type, and age of pending cases.

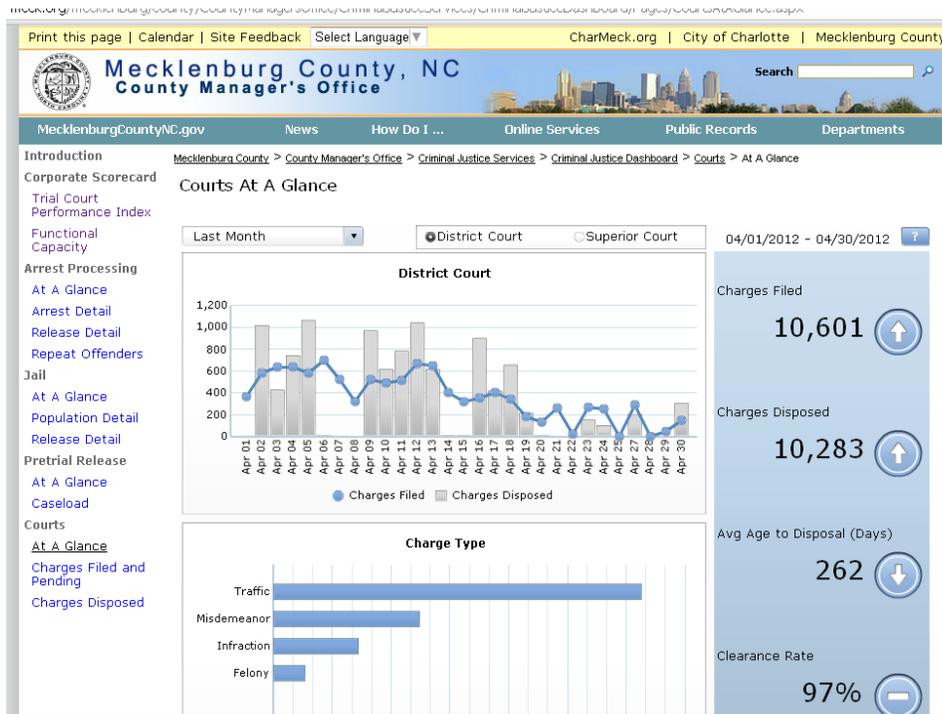
As part of this dashboard, the County is utilizing three of the CourTools performance indicators: (1) Average Age of Pending Cases; (2) Time to Disposition; and (3) Clearance Rate. The County has future plans to implement additional CourTools performance metrics, as they are highly regarded as national best practices.

⁷⁸ Mecklenburg County Justice and Public Safety Task Force – Report and Recommendations, page 7

⁷⁹ Mecklenburg County Manager’s Office website, accessed electronically on 5-29-12, <http://charmeck.org/mecklenburg/county/CountyManagersOffice/CriminalJusticeServices/CriminalJusticeDashboard>



Screen Shot of Mecklenburg County Criminal Justice Dashboard – Courts at a Glance⁸⁰



New Orleans should develop and adopt a similar Dashboard that regularly reports on system-wide performance and efficiency to stakeholders and to the public. Along with some of the indicators identified in Mecklenburg County, system-wide indicators should include:

- Crime rate
- Homicides
- Dispositions
- Sentences for convicted offenders
- Re-arrest and Recidivism Rate
- Appeals and Reversal Rate
- Time of arrest to disposition
- Average length of stay at Orleans Parish Prison
- Total population at OPP
- Indigency among criminal defendants
- Pre-trial release outcomes (ROR, Bond, Detained)

In addition, and in some cases as a part of the Dashboard, entities within the criminal justice system should consider adopting some of the following metrics that we have identified as best practices. In some cases, these metrics are currently part of the KPIs but in other cases these

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<http://chameck.org/mecklenburg/county/CountyManagersOffice/CriminalJusticeServices/CriminalJusticeDashboard/Pages/CourtsAtAGlance.aspx>



metrics would provide new information not currently available. The table on the following pages outlines these metrics:



Department / Agency/Functional Area	System-wide Metric (Yes/No)	Performance Measure	Description	Importance	Who's Using Metric?
Coroner	No	Autopsies per Pathologist per year	Number of autopsies completed per year divided by total FTE pathologists	Measure of program effectiveness/efficiency	City of Philadelphia, Hillsborough County, Others
Coroner	No	Turnaround time for homicide autopsy reports	Length of time from initiation of autopsy to final report.	Indicator of adequate staffing and system efficiency	City of Philadelphia, Others
Courts	Yes	Time to Disposition	Time to Disposition is the average number of days in which cases are disposed or resolved during a given time period. The number of days is calculated by counting the number of days from case filing to entry of judgment on charges or the case. Any days in which a case is inactive because of proceedings are stayed or a warrant is active are subtracted from the total number of days.	Shows effectiveness of Court System to move cases through the justice system in a timely manner	NCSC, Utah State Courts
Courts	No	Access and Fairness	Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.	Research consistently shows that positive perceptions of court experience are shaped by court users' perceptions of how they are treated in court, and whether the court's process of making decisions seems fair.	National Center for State Courts (NCSC)
Courts	No	Appearance Rate	The percentage of defendants who make all scheduled court appearances	Measure of program effectiveness	US DOJ- National Institute of Corrections- NIC
Courts	No	Collection of Monetary Penalties	Payments collected and distributed within established timelines, expressed as a	Integrity and public trust in the dispute resolution process depend in part on	NCSC



Department / Agency/Functional Area	System-wide Metric (Yes/No)	Performance Measure	Description	Importance	Who's Using Metric?
			percentage of total monetary penalties ordered in specific cases.	how well court orders are observed and enforced in cases of noncompliance.	
Courts	No	Pretrial Detention Rate	Proportion of pretrial defendants who are detained throughout pretrial case processing.	Measure of pre-trial services efficiency	US DOJ-National Institute of Corrections-NIC
Courts	No	Reliability and Integrity of Case Files	The percentage of files that can be retrieved within established time standards, and that meet established standards for completeness and accuracy of contents.	A reliable and accurate case file system is fundamental to the effectiveness of day-to-day court operations and fairness of judicial decisions.	NCSC
Courts	No	Trial Date Certainty	The number of times cases disposed by trial are scheduled for trial.	A court's ability to hold trials on the first date they are scheduled to be heard (trial date certainty) is closely associated with timely case disposition.	NCSC
District Attorney	No	Case Acceptance Rate	Percentage of cases accepted for prosecution	Indicator of DA workload, system activity.	Various
District Attorney	Yes	Average Case Disposition Time	Length of time from acceptance of charges to disposition	Indicator of DA workload and efficiency of system	American Prosecutors Research Institute
District Attorney	Yes	Ratio of Repeat Offenders to Total Offenders	Number of individuals with past offenses vs.	Indicator of whether or not system as a whole is working	American Prosecutors Research Institute



Department / Agency/Functional Area	System-wide Metric (Yes/No)	Performance Measure	Description	Importance	Who's Using Metric?
District Attorney	No	Average Sentence Length	Length of sentence, by type of offense	Indicator of appropriate / consistent sentencing	American Prosecutors Research Institute
District Attorney	No	Drug Court Referrals & Completions	Number of individuals referred to drug court and of those, how many successfully completed the program	Determines whether or not drug court is operating effectively or if other alternatives should be pursued	American Prosecutors Research Institute
District Attorney	No	Gun/Gang/Robbery Rates	Number of crimes involving a gun or gang related vs. total number of crimes committed	Indicator of increasing/decreasing trends in crimes	American Prosecutors Research Institute



Department / Agency/Functional Area	System-wide Metric (Yes/No)	Performance Measure	Description	Importance	Who's Using Metric?
Diversion Programs	No	Diversion Completion Rate	Percentage of enrolled offenders completely diversion program successfully	Indicator of program effectiveness/success	
Diversion Programs	No	Enrollment Rate	Percentage of offenders eligible for diversion programs actually enrolled	Indicator of program efficiency	
Diversion Programs	No	Recidivism Rate	Recidivism rate of those offenders successfully completely a diversion program and return to incarceration within 12 month period.		
Juvenile	Yes	Annual Youth Crime Rate	Measurement of the prevalence of youth crime per year.	Of most interest to community members and policy makers; indicator for speculation on changes and planning for future.	
Juvenile	Yes	Rate of Recidivism (Juvenile Offenders)	Addresses the capacity of the juvenile justice system to prevent and control crime for youth after they age out of the juvenile justice system.	Indicator of reentry and other program effectiveness	



Department / Agency/Functional Area	System-wide Metric (Yes/No)	Performance Measure	Description	Importance	Who's Using Metric?
Police	Yes	Crime Rate (Part I and Part II offenses)	Crime rates are the number of reported crimes per 1,000 resident population	Partial measure of overall effectiveness of police department	FBI- National
Police	No	Arrests	# of Arrests (by offense)	Measure of police activity.	Police Agencies- Various
Police	No	Citation Issuance Rate	# of Citations (by offense). Often issued in lieu of arrest for certain traffic infractions and low level misdemeanors	Measure of police activity. Helpful in comparison to overall crime rate and alternative to formal arrest.	Police Agencies - Various
Police	No	Clearance Rate (Part I and Part II offenses)	The proportion of reported crimes solved by the police	Partial measure of overall effectiveness of police department	Police Agencies- Various
Police	No	Community Satisfaction	Generally survey-based, asks community to report on overall effectiveness of the police department and identifies key issue areas.	Overall perception of police effectiveness	NOLA-KPI
Probation and Parole	Yes	Recidivism Rate (Probationer/Parolee)	The return to incarceration with a new conviction within 12 months of release.	Overall indicator of reentry program effectiveness	Department of Justice
Probation and Parole	No	Probationers/Parolees per Probation Officer	Total Number of Probationers/Parolees divided by total FTE Probation Officers	Indicator of adequate staffing for program effectiveness	Various
Reentry Programs	No	Employment Retention Rate	Those participants who exit the program(s) and are employed (reported quarterly if possible)	Key indicator of program effectiveness	Department of Justice
Sheriff	Yes	Average Inmate Stay Rate	Average length of time spent by an inmate	Indicator of processing efficiency	



Department / Agency/Functional Area	System-wide Metric (Yes/No)	Performance Measure	Description	Importance	Who's Using Metric?
Sheriff	No	Daily Incarceration Cost Rate	Average daily cost to incarcerate (jail) one inmate	Benchmark for comparison to ATI programs	Various Agencies
Sheriff	No	Inmate Assault Rate	Number of assaults/violence on inmate (via inmate or staff)	Measure of inmate safety	BJS-Princeton Project
Sheriff	No	Staff Assault Rate	Number of assaults/violence on staff	Measure of staff safety	BJS-Princeton Project



Improving the Efficiency and Effectiveness of the Criminal Justice System

The data presented above – as well as our interviews with more than 100 participants and active monitors of the criminal justice system – has led us to a series of conclusions and preliminary recommendations on how to continue efforts to improve the efficiency and effectiveness of the New Orleans Criminal Justice system.

Our findings and recommendations are not comprehensive. The need to complete this work in a timely manner limits a full and complete assessment of how and where improvements are needed and possible.

Our recommendations are designed to serve as a starting point for discussion – both for the purpose of the city determining how to fund parts of the criminal justice system in 2013 and for the system as a whole to begin to develop a comprehensive plan – much like the one identified in the metrics section that is currently in use in Charlotte – Mecklenburg County, North Carolina. As we noted at the outset, these recommendations – though they affect multiple departments and courts under the authority of independently elected officials – are designed to assist the city in taking a leadership position in moving the system toward reform.

Fundamentally, to increase effectiveness and efficiency in the criminal justice system, New Orleans needs to:

- **Increase collaboration, coordination and the use of technology and data across all criminal justice agencies**
- **Improve court operations and eliminate duplication**
- **Target efforts to fight and prevent crime**

In this report, we detail findings and recommendations that speak to the first area – increased collaboration, coordination, use of technology and data.

There is really one of two routes for achieving the recommendations that we detail below. Strategically, we think it is important that the city first try to move forward as the sponsor of a process that is ultimately jointly owned by all of the different entities that comprise the criminal justice system in New Orleans. Greater coordination – and greater efficiency and effectiveness – can ideally be achieved through a collaborative process.

In some of the efforts highlighted at the beginning of this report where progress has been made, it has been because different parts of the system have been willing to set aside institutional priorities and prerogatives and to act in the larger public interest. Moreover, in the process of compiling this report, leaders of the various different courts and offices that comprise the criminal justice system were giving of their time, their insights and – in most cases – data related to their operations.

On the other hand, there are examples – including recent ones – where different parts of the criminal justice system have failed to collaborate and coordinate.

No doubt, different offices within the criminal justice system have independent power and authority. And, in conducting this analysis, we are certainly respectful of the importance of independence – whether it goes to the separation between judicial and executive powers or the discretion exercised by judges and prosecutors or the importance of zealous representation on



behalf of criminal defendants. Yet the need for independence – and the statutory authority provided to different offices within the criminal justice system – should not be used as an excuse for actions that are contrary to the public interest. State statutory authority should define the parameters – but not set the terms – of the operations of the criminal justice system.

To the extent that these recommendations can be implemented through cooperation and collaboration, that would be the ideal. But, in the face of intransigence, these recommendations are designed so that the city – as the sponsor of these efforts at reform – can work toward their implementation through the budgetary authority that it does wield and through changes in state statute where necessary.

Findings

Criminal Justice Agencies Lack the Data Needed for Data Driven Decision-making:

Generally, agencies and offices within the criminal justice system lack data on their own operations and on the overall functioning of the criminal justice system. There needs to be better data to better understand problems, identify solutions and measure progress. For the Police Department, it has taken months to revamp the department's accountability process due to a lack of easy access to data. Moreover, the system used to track arrests does not include information on court case disposition. In response to requests for data on time to disposition in the Criminal District Court, the Judicial Administrator indicated that such data does not exist in an easily obtainable way. The Sheriff, who as a result of his role in the booking function and in the release and incarceration of offenders has the most data, failed to provide up-to-date data on basic information such as average length of stay by offense. The Coroner's office conducts several thousand psychiatric interviews every year, but maintains only paper records on individuals interviewed: as a result, there is no aggregate data on individuals seen and referred for treatment. As a result of the lack of data for individual departments, there is also no use of a system-wide dashboard – such as the one described in the above section on metrics.

The Criminal Justice System Lacks a Forum for Discussing Coordination or Collaborative Efforts:

As a result, there is no formal, regular venue for discussion of changes being made in the system – and likely system-wide impacts. For example, the District Attorney's decision to shift the prosecution of misdemeanor cases to the Municipal Court has had implications across the criminal justice system. Whether the decision was a good one or not, most participants in the system believe that its implementation would have been better had there been more of a formal process for identifying – and addressing – its system wide impacts.

There are some limited forums for these types of discussion. The advisory board being convened by the Police and Justice Foundation for administration of OPISIS involves most – though not all – of the actors within the criminal justice system. By most accounts, it has functioned well in this limited role as moving forward a collaborative initiative.

The Criminal Justice Coordinating Council – recently revitalized under the Landrieu Administration – functions largely to make collective decisions on the distribution of federal and state funding. It is worth noting, however, that the CJCC does not have exclusive authority over even this limited area. Not all state or federal funds go through the CJCC – some are actually directed through the Police and Justice Foundation.

The Criminal Justice Leadership Alliance (CJLA) includes senior officials from the District Attorney's office, the Orleans Public Defender, the Police Department, the Sheriff, the Municipal and Criminal District Courts and the Clerk of Court. Guided by the Vera Institute of Justice,



CJLA has formed a series of working groups focused on individual reform initiatives – including the pre-trial services program implemented earlier this year.

Across the Criminal Justice System, There is a Recognized Need for Better Technology:

As noted in a series of reports by the Institute for Justice Information Systems (IJIS), New Orleans' lack of data is just one symptom of the limited access to technology in the criminal justice system. OPISIS has built a foundation – linking certain systems and implementing specific technology initiative, such as the use of electronic notification for police officer appearances in some of the courts. But more is needed – even beyond the scope of OPISIS as currently envisioned.

For example, at present, there is no communication – or access to information – between the Municipal Court and the Criminal District Court. Thus, neither court has access to information about a defendant who may have pending or past charges in the other. The lack of information impedes not just efficiency, but effectiveness.

Finally, across virtually all courts, there is a lack of technology for basic functions such as docketing and docket managements. During our visits to courts, on multiple occasions, judges, officers, prosecutor, public defenders and others would turn to hard copy calendars in setting dates for court proceedings. In a world of Microsoft Outlook, the New Orleans criminal justice system is functioning in a bygone era. In Municipal Court and Traffic Court, court staff is required to take handwritten summonses and enter them into an electronic database. The Police Department is set to deploy an electronic summons system, but the increasing numbers of municipal ordinance violations are still hand entered into the court database.

Existing Incentives Discourage Cooperation in Funding and Encourage a Focus on Imposing Financial Penalties on Offenders: In an environment of distrust and absent coordination, different offices and agencies within the criminal justice system have responded to existing incentives to develop their own resources. Rather than all funding come from a single, central budget for the criminal justice system, different offices and courts are left to expect that they will have to find their own funding for day to day operations and programs. As a result, there is little incentive for offices to collaborate on funding joint initiatives – especially if those initiatives would require the use of funds under the control of individual agencies – whether they are courts, clerks, prosecutors, public defenders or the Sheriff.

There is a Capacity Gap in the Operations and Management of the Criminal Justice System: Technology and data are tools – not substitutes – for analysis and effective management. The lack of data within the criminal justice system has created a human resource capacity gap when it comes to analysis and management. Some aspects of the system appear to be professionally managed. That seems less true in other areas. Long term reform of the system will require management capacity as much as investment in the tools of management.

Recommendations

New Orleans needs a Strong Criminal Justice Coordinating Council: The CJCC needs to take on a role beyond its current focus on the allocation of grant funds. It should become the primary forum for discussing, developing and implementing collaborative efforts to increase justice and public safety.

No one official should be viewed as controlling the CJCC. Instead, the CJCC should be chaired on an annual rotation that includes the Mayor or a designee, the District Attorney, the Sheriff and the Chief Judge of the Criminal District Court.



The Criminal Justice Commissioner's office should be re-configured to provide staff support for the functions of the CJCC. Consistent with the findings and recommendations of the IJIS report, CJCC staff, working in concert with the city's CIO and the Police and Justice Foundation, should be responsible for continued development and deployment of OPISIS and other system-wide technology improvements. CJCC staff, working in concert with the Office of Performance and Accountability, should be responsible for the regular collection, analysis and reporting of system-wide and office specific indicators of performance. Finally, CJCC staff should also be responsible for a centralized staffing of grant writing and administration for all criminal justice agencies and offices in Orleans Parish – including all courts, the District Attorney, the Public Defender, the Sheriff and the Police Department. Current staff – and their funding – for individual grant writing activity across the criminal justice system should be allocated to the Criminal Justice Commissioner.

At inception, the CJCC should create three ongoing working groups to (a) improve criminal case processing time, (b) encourage collaboration and coordination in the development and assessment of diversion and alternative to incarceration programs and (c) build capacity across the criminal justice system especially in middle management.

All Revenues – including funds collected for individual Judicial Expenditure Funds – Should be Allocated as Part of the City Budgeting Process: All federal, state and local funds – as well as all funds collected through the court generated activities – should be allocated as part of the budget process. In other words, criminal justice budgets – much as our analysis above – should reflect all sources.

Ideally, officials with control over their own revenue sources should be encouraged to direct funding to support their basic operations and to participate in collaborative programs that have system-wide impact. For example, new revenue from court fines and fees – even if allocated in accordance with statute – should still be budgeted for basic operations and a system-wide Criminal Justice Innovation Fund. The CJIF – which could start with contributions from the existing individual fund balances controlled by the Sheriff, the courts, clerks, the prosecutor and others – could be used to support system-wide investments in technology, data and analysis.

Absent cooperation, the city should work to change state law and mandate centralized budgeting at the local level of all criminal justice agencies.

CJCC Should Create a System Wide Court Scheduling Process: Better scheduling of court time will result in the more efficient deployment of all personnel required to appear in court – including police, prosecutors, public defenders, judges and judicial staff. It will also result in reductions in case delay – aiding in the CJCC's efforts to reduce case processing time.

Other court systems have successfully implemented system-wide scheduling programs. These programs allow for the automated scheduling of court appearances and avoid conflicts. Right now, a significant amount of court time is spent waiting. Absent a system wide scheduling process, police and other witnesses are all frequently called to appear at a set time – when court begins. More efficient scheduling of court appearances would reduce wait time in courts. Centralized scheduling will also make it easier to track and limit case delays.

Because court scheduling affects virtually all aspects of the criminal justice system, it will require collaboration in design, implementation and funding. CJCC should both serve as a forum for design and planning, as well as a sponsor of the project.



As part of the court scheduling initiative, CJCC should also sponsor related technology initiatives that would allow for electronic filing of all criminal cases and electronic exchange of all discovery material between the District Attorney and the Public Defender. CJCC should also sponsor a joint system – involving the courts, clerks, District Attorney and Public Defender – that allows for eFiling and ePleas.



Appendix

Our report was greatly informed by a series of interviews and meetings that we conducted with key stakeholders in the criminal justice system. Frequently, these meetings were also attended by one or more staff members.

- Andrew Kopplin, Chief Administrative Officer, City of New Orleans
- Cary Grant, Budget Director, City of New Orleans
- Col. Jerry Sneed, Deputy Mayor of Public Safety, City of New Orleans
- James Carter, Criminal Justice Commissioner, City of New Orleans
- Sam Joel, Director of Research, City of New Orleans
- Allen Square, Chief Information Officer, City of New Orleans
- Charles West, Director, Bloomberg Innovation Delivery Team
- Councilmember Susan Guidry, City of New Orleans
- Ronal Serpas, Police Superintendent, City of New Orleans
- Dr. Frank Minyard, Orleans Parish Coroner
- Dr. Karen DeSalvo, Health Commissioner, City of New Orleans
- Graymond Martin, First Assistant District Attorney, Orleans Parish District Attorney –
- Val Solino, Assistant District Attorney, Orleans Parish District Attorney
- Richard Cortizas, City Attorney, City of New Orleans
- Derwyn Bunton, Chief Public Defender, Orleans Parish Public Defender
- Louisiana Public Defender Board Evaluation Team
- Sheriff Marlin Gusman, Orleans Parish Criminal Sheriff
- Judge Desiree Charbonnet, Chief Judge of Orleans Parish Municipal Court
- Judge Paul Sens, Orleans Parish Municipal Court
- Judge Robert Jones, Chief Judge of Orleans Parish Traffic Court
- Judge Ernestine Gray, Chief Judge of Orleans Parish Juvenile Court
- Judge Camille Buras, Chief Judge of Orleans Parish Criminal District Court
- Judge Karen Herman, Orleans Parish Criminal District Court
- Judge Keva Landrum-Johnson, Orleans Parish Criminal District Court
- Rob Kazik, Judicial Administrator, Orleans Parish Criminal District Court



- Tim Averill and Scott Griffith, Judicial Council, Supreme Court of Louisiana
- Frank Palestina, Probation and Parole District Administrator, Louisiana Department of Corrections
- Melanie Talia, New Orleans Police and Justice Foundation
- Jon Wool and Michael Jacobson, Vera Institute of Justice
- Rafael Goyeneche and John Humphries Jr., Metropolitan Crime Commission
- Luceia LeDoux, Baptist Community Ministries

In addition to the meetings listed above, the team also held two small roundtables – one with a group of line Assistant District Attorneys and the other with a group of Assistant Public Defenders. We are especially grateful to Graymond Martin from the District Attorney’s office and Derwyn Bunton from the Public Defender’s office for setting up these meetings.

Two non-governmental organizations – the Vera Institute of Justice and the Metropolitan Crime Commission – were especially generous with advice, data and past research.