

## STATEMENT OF COMMITMENT

### TO IMPLEMENT A CRIMINAL JUSTICE REFORM AGENDA FOR NEW ORLEANS

WHEREAS, the Mayor of the City of New Orleans, C. Ray Nagin, is committed to Public Safety and a Criminal Justice Reform Agenda in the City of New Orleans; and

WHEREAS, the Chair of the Criminal Justice Committee of the New Orleans City Council, the Orleans Parish District Attorney, the Superintendent of the New Orleans Police Department, the New Orleans City Attorney, the Orleans Parish Criminal Sheriff, the Chief Public Defender of Orleans Public Defenders, a Judge of the Orleans Parish Criminal District Court, the Chief Judge of the New Orleans Municipal Court, and the Magistrate Judge of the Magistrate Court of the Orleans Parish Criminal District Court, who have convened as the Criminal Justice Leadership Alliance, are committed to working collaboratively to make New Orleans a safer city and to rebuild an effective, efficient, and just criminal justice system; and

WHEREAS, the Leadership Alliance has succeeded, since Hurricane Katrina devastated the City's infrastructure, police stations, courts, and jails, and traumatized and displaced its residents, in getting the criminal justice system up and running again; and

WHEREAS, the Leadership Alliance wishes to rebuild a criminal justice system which incorporates and advances innovative best practices nationally; and

WHEREAS, the Leadership Alliance acknowledges that creating a model criminal justice system is a challenge in the best of circumstances and, in the unique circumstances of present day New Orleans, will take planning, time, expertise, and resources; and

WHEREAS, the City Council on June 21, 2007, endorsed a set of new initiatives recommended in a report, "Best Practices to Advance Safety and Justice," by the Vera Institute of Justice ("Vera"), a nonprofit organization with extensive national experience advancing innovations in the field of criminal justice; and

WHEREAS the Leadership Alliance considered these initiatives in developing their broad goals for criminal justice reform;

NOW, THEREFORE, in consideration of the above, the Leadership Alliance agrees as follows:

1. To support and work cooperatively and collaboratively to successfully implement the following criminal justice reform goals:
  - to gather more information on which to base pretrial detention decisions, to expand the use of pretrial release without bond, and to develop a wider range of pretrial options, to ensure that public safety is protected, and unnecessary detention is avoided;

- to make charging decisions and resolve cases within days after arrest so that the system's resources are dedicated appropriately;
  - to substantially expand community service sentencing for state offenses, which would provide courts with additional options that maintain community safety and help to restore and rebuild the community;
  - to expand the use of substance abuse and mental health treatment, including drug and mental health courts, to provide courts with additional sentencing options that address factors that underlie criminal behavior;
  - to expand the use of citations for municipal offenses, and to make maximum use of community-based resources to promote pre- and post-arrest diversion to treatment; and
  - to develop more appropriate and cost-effective sanctions for municipal offenses, helping to restore and rebuild the community, and incorporating a problem-solving community-based approach.
2. Each individual below, as a member of the Leadership Alliance, agrees to take a leadership role and to use their best efforts in securing resources and dedicating staff time towards implementing the specific actions, as described in the attached 12- and 18-month implementation plans, to achieve these goals:
- Implementation Plan: Alternative Sanctions
  - Implementation Plan: Community Court
  - Implementation Plan: Expedited Charging and Disposition
  - Implementation Plan: Pretrial Release

AGREED TO:

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 C. Ray Nagin  
 Mayor  
 City of New Orleans

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 Date

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 James Carter  
 Chair, Criminal Justice Committee  
 New Orleans City Council

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 Marlin Gusman  
 Criminal Sheriff  
 Orleans Parish Criminal Sheriff's Office

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 Date

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Gerard Hansen  
Magistrate Judge  
Magistrate Court of the Orleans Parish Criminal District Court

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Date

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Calvin Johnson  
Judge  
Orleans Parish Criminal District Court

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Date

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Eddie Jordan, Jr.  
District Attorney  
Orleans Parish District Attorney's Office

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Date

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Christine Lehmann  
Chief Public Defender  
Orleans Public Defenders

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Date

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Penya Moses-Fields  
City Attorney  
City of New Orleans

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Date

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Warren Riley  
Superintendent  
New Orleans Police Department

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Date

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Paul Sens  
Chief Judge  
New Orleans Municipal Court

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Date

## Implementation Plan: Alternative Sanctions

Goals within the next 12 months:

1. Explore alternatives to incarceration including the expansion of existing alternatives, community service, drug and mental health courts and treatment alternatives, the use of restorative justice, community corrections, day reporting, and other problem solving courts and determine who, how, and when people should be diverted to these alternatives.
2. Coordinate the obligations of and services to individuals who may be under supervision or sentence for more than one offense, and/or in more than one court.
3. Prepare to implement a substantial community service sentencing program/expand existing community service programs for state offenses.
4. Expand the capacity of drug courts and mental health courts, and create other drug treatment alternatives to prison.

### Work Plan

1. Establish a high-level working group to address the first goal above. In addition to exploring a full range of alternative sanctions and setting priorities to develop these, this group will be responsible for determining the criteria for identifying cases appropriate for diversion or alternative sentencing to community service, drug treatment, mental health treatment, or such other alternatives that are developed. This group will include members representing the District Court, the District Attorney's Office, the Public Defender's office, the Criminal Sheriff, the State Supreme Court's drug court program, the Municipal Court, a City Council liaison, and will be chaired by Luceia LeDoux from Baptist Community Ministries.
  - a. Identify the existing alternatives to incarceration available in New Orleans and alternatives currently in development. (1 month)
  - b. Research alternatives in other jurisdictions to identify best practices and assess gaps in New Orleans's current and developing alternatives. (3-6 months)
  - c. Determine criteria for identifying cases appropriate for community service sentences, drug court or other treatment diversion, mental health court or other treatment diversion. (6 months)
  - d. Analyze data to produce projections of the numbers of cases that would be eligible for community service, drug court, or mental health court based on the criteria developed above. (6-9 months)
  - e. Determine the legal and procedural framework for alternative sanctions. (6-9 months)

f. Identify an agency or mechanism for coordinating the obligations of and services provided to individuals who may be under supervision or sentence for more than one offense and/or in more than one court. (6 months)

g. Assist sub-groups with the development of program models, budget, etc. based on eligibility criteria and the legal and procedural frameworks developed. (6-9 months)

h. Agree upon 18-month priorities for additional alternatives and create a working plan to implement these. (9-12 months)

2. Establish a sub-group to prepare to implement a substantial community service program/expand existing community service programs for state offenses. This group will include members representing the District Court's community service program, Court Intervention Services, the Criminal Sheriff's community service program, the District Attorney's Office, the Public Defender's office, the Municipal Court's community service program, the New Orleans district office of the Division of Probation and Parole, and will be chaired by Luceia LeDoux from Baptist Community Ministries.

a. Identify existing local community service projects or programs for partnerships. (3 months)

b. Identify an institution to administer the community service program. (3 months)

c. Identify significant obstacles to successful implementation of a comprehensive community service program and develop possible strategies to overcome these. (6-9 months)

d. Develop a program model, including an educational component, that takes into account the decisions made by the group determining criteria for eligibility and projected numbers of people who might be served, and put it in writing. (9-12 months)

e. Determine resources required to launch the program and operate it for the first three years. This will include staff, equipment, etc. (9-12 months)

f. Establish criteria to measure the program's success and a plan for tracking and analyzing data. The criteria for success should be explicit; a plan should be developed to monitor the impact. (9-12 months)

g. Produce a program plan and budget. (12 months)

3. Establish a second sub-group to expand the capacity of drug and mental health courts, and create other drug treatment alternatives to prison. This group will include members representing the District Court's drug court and mental health court programs, Court

Intervention Services, the State Supreme Court drug court program, the District Attorney's office, the Public Defender's office, the New Orleans district office of the Division of Probation and Parole, and will be chaired by Luceia LeDoux from Baptist Community Ministries.

- a. Examine the city's current efforts to divert offenders into drug and mental health treatment through the drug and mental health courts. (3 months)
  - i. For how many people with what characteristics are the drug and mental health courts currently used? What treatments are they provided?
  - ii. What is the capacity of drug and mental health courts and treatment programs currently?
  - iii. How soon after arrest are defendants transferred to drug and mental health court? Do they spend time in jail first?
  - iv. Are programs serving to divert clients from incarceration; is dismissal or expungement an option?
- b. Map/identify existing drug and mental health treatment services in New Orleans.
- c. Based on criteria developed for referral to drug and mental health court/drug treatment and the procedures developed to identify those people (work of the overarching group), develop a system for tracking which defendants meet the criteria for referral and how many of those eligible are actually referred. (6-9 months)
- d. Determine a plan and budget for expanding treatment and drug and mental health court capacity as necessary. (9-12 months)
- e. Implement the plan for as many people as resources allow. Expand as capacity increases. (12 months)

## Community Court Working Group Implementation Plan Summary

### Goals within the next 12 months

- Complete the *Phase-1 Needs Assessment Report* identifying key strength and challenges of current work flow processes for municipal offenses, identify key community concerns and ideas for improving public safety, and collect community level data.
- Complete the *Phase-2 Implementation Plan* and initiate a community court strategy that increases diversion and alternative sentencing options, connects court clients to treatment services, rigorously monitors compliance, engages a broad range of community members, and enhances the municipal court's capacity to measure results.

### Work plan key objectives

#### *Needs Assessment Phase*

- Collect relevant crime data and data on the current responses to municipal offenses.
- Collect community demographic data.
- Specifically examine how many people are arrested for having municipal attachments and the types of underlying circumstances and offenses.
- Survey current community treatment and social service resources.
- Interview key community and justice system stakeholders.
- Conduct focus groups with key stakeholder groups.
- Survey current court users on their experiences with municipal court.
- Attend community meetings and record community concerns and ideas.
- Review reports and other literature on municipal offenses and other criminal justice challenges.
- Complete a needs assessment report documenting findings.

#### *Implementation Phase*

- Use data from the needs assessment to identify a target geographic area for the community court and/or a community court model to implement.
- Develop a plan to measure enhanced municipal court outcomes.
- Explore with other justice system agencies, units of government and non-profit organizations the potential to develop shared responses to the needs of court clients.
- Complete the implementation plan.
- Secure resources to initiate a community court strategy.
- Convene a community advisory board and engage local community members in dispensing justice.
- Secure memoranda of understanding between the municipal court and service providers and implement enhanced social service and treatment referral processes.

- Working closely with the police, probation , criminal sheriff and the city attorney, develop enhanced diversion and alternative sentencing options for municipal cases that are available immediately in the courthouse or through referral to provider agencies.
- Assist the City Council to develop a new legal instrument to be used when police encounter someone with a municipal attachment.
- Expand the availability of community service as an alternative sentencing and pre-trial diversion option on municipal offense cases.
- Implement effective and timely screening and assessment work flow processes that enhance available information on the needs of court clients.
- Implement effective compliance monitoring processes and quality control measures that reduce non-compliance.

## **Implementation Plan: Expedited Charging and Disposition**

### Goals within the next 18 months

1. Complete a plan for piloting routine court appearances/charge decisions six days after arrest. (6 months)
2. Begin piloting six-day charge/disposition point. (6-9 months)
3. Complete assessment of pilot and plan to expand to all cases if warranted. (18 months)

### Work plan

Establish a working group with members representing the District Attorney, the District Court, the Public Defender, the Sheriff, the Police Department, the Clerk's Office, and the Magistrate Court, and with Vera's and NOPJF's assistance. Other membership on this working group to be determined by participants at the retreat. Develop plans to ensure others in the court/agency are kept informed and can provide input.

1. Complete a plan for routine court appearances/charge decisions six days after arrest.
  - a. Identify and answer legal questions (e.g., what criminal procedure law would govern the hearings).
  - b. Identify other, non-legal issues to be addressed.
  - c. Determine all of the steps required for 6-day decision point to work.
  - d. Draft procedures for early court appearances, including staff required for each agency.
  - e. Determine what staff and other resources are required for each agency; draft a budget for the pilot.
  - f. Produce an implementation plan for a pilot which identifies:
    - i. Which cases/which judges will be part of the pilot,
    - ii. The timeline for the pilot,
    - iii. Indicators of success, and
    - iv. A plan to collect data on indicators.
  - g. Get feedback from judges/prosecutors/public defenders/other affected parties and modify the plan to address concerns. Ensure support from each agency.
  - h. Identify short- and long-term funding sources.
  - i. Secure funding for pilot.
2. Begin piloting six-day charge/disposition point.
  - a. Share implementation plan with all affected parties. Ensure judges are prepared to begin.

- b. Train prosecutors, public defenders/other defense lawyers, others on new procedures.
  - c. Set up mechanisms for tracking success or impact of the pilot.
  - d. Begin six-day court appearances for a subset of cases.
  - e. Meet weekly to work through obstacles, issues encountered.
3. Complete assessment of pilot and plan to expand to all cases if warranted.
- a. Analyze information collected on pilot experience.
  - b. Revise operating procedures to reflect lessons learned and input of all parties.
  - c. Develop timetable for broader implementation.
  - d. Identify short- and long-term funding sources.
  - e. Secure funding for broader implementation.

## Implementation Plan: Pretrial Release

### Goals within the next 12 months

1. Get a clear understanding of the current situation and issues in the pretrial system in New Orleans and study models that address issues identified.
2. Design and implement a pilot program for expanded pretrial release without bond.
3. Develop an implementation plan and budget for new pretrial services functions including initial screening for release, notification of court dates, and possibly new programs to supervise people who have been released without bail.

### Work plan

Establish a working group with members representing the District Court, the Magistrate Court, the District Attorney, the Sheriff, and the Public Defender, with liaisons to the City Council. Other membership on this working group will be determined.

1. Get a clear understanding of the situation and issues in the pretrial system in New Orleans and study models that address issues identified.
  - a. Analyze current practices and outcomes for pretrial release in New Orleans.
    - i. Analyze data about who is released, at what point, and on what conditions, and the outcomes of different release decisions.
    - ii. Assess the current electronic monitoring program to determine whether electronic monitoring could be expanded and whether the current system is the most effective, fair, and efficient.
    - iii. Study the role of the Sheriff's CINTAP program.
  - c. Study models and outcomes for pretrial release in other jurisdictions, including alternatives to bail other than ROR.
    - i. Produce a summary of practices, outcomes, and screening instruments used in other jurisdictions.
    - ii. Speak with persons involved in promising programs in other jurisdictions and report on useful models; if warranted, visit jurisdictions with particularly relevant models.
2. Design and implement a pilot program for expanded pretrial release without bond.
  - a. Identify key indicators for pretrial release (charge, criminal history, warrant history, community ties, housing and employment, etc.).
  - b. Gain consensus about arrestees who could safely be released and document it in a non-binding District Court policy.

- c. Write an implementation plan for a pilot of expanded pretrial release that addresses which cases and defendants will be the focus, which judge or judges will pilot the program, the indicators of success, a plan to collect data to determine success, and the obligations of non-Court actors.
  - d. Implement the pilot of expanded pretrial release without bond.
  - e. Assess functions and outlines of the pilot on an ongoing basis.
  - f. Analyze legal issues that may arise.
3. Develop an implementation plan and budget for new pretrial services functions including initial screening for release, notification of court dates, and possibly new programs to supervise people who have been released without bail.
  - a. Determine whether additional pretrial release options (e.g., personal recognizance bonds, a pretrial supervision program without electronic monitoring) and other programs to notify people of court dates and encourage appearance should be created.
  - b. Determine the need for additional information gathering to assess suitability for release, what information should be collected, and how it can be done in a practical way.
  - c. Identify an existing body such as the Sheriff's CINTAP program or Court Intervention Services or a new body that will implement the necessary additional pretrial release review and assist in ensuring attendance for those released.
  - d. Develop a plan for creation of the new functions.
  - e. Determine the cost and physical plant needs of the pretrial services body and develop a budget.