



A Brief Look at the Safety and Justice Challenge in New Orleans



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The intended use of this document is to provide preliminary context about the Safety and Justice Challenge in New Orleans as a level-setting tool for community engagement initiatives.

This document is not exhaustive and is intended to elicit additional inquiries about criminal legal system reform initiatives in Orleans Parish. If you have thoughts and feedback about this document's contents, please contact Kate Hoadley, at kate.hoadley@nola.gov.

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WHAT IS THE SAFETY AND JUSTICE CHALLENGE?



The Safety and Justice Challenge provides support to local communities that are ready to tackle one of the greatest drivers of over-incarceration in America—the misuse and overuse of jails. This Network of cities, counties, and states is proving it is possible to rethink local justice systems from the ground up, with forward-looking, smart solutions that are data-driven, equity-focused, and community-informed, and that safely reduce jail populations, eliminate ineffective and unfair practices, and reduce racial disparities.

SJC invests in locally developed, equity-based solutions that take a balanced approach to protecting public safety. The goal of the Challenge is to support policies and practices that will safely reduce jail populations by 50% across all Safety and Justice Challenge jurisdictions by 2025 and eliminate racial inequities. SJC provides practical support and scaffolding to communities that are taking bold action in response to centuries of institutional and systemic racism, honoring the expertise of directly impacted communities, and working together to achieve transformational change.

Participants in the Safety and Justice Challenge commit to identifying the drivers of over-incarceration and racial disparities within their communities; engaging a diverse set of community stakeholders to determine potential solutions; and building infrastructure to track data and measure performance.

The Safety and Justice Challenge Network is committed to demonstrating a variety of effective ways to keep people out of jail who do not belong there, address racial disparities in the justice system, better reintegrate individuals into the community upon release, and ensure that they have the support to stay out of jail thereafter—creating models that make communities healthier, fairer, and safer.



Learn more about the Safety and Justice Challenge here.

NEW ORLEANS SAFETY AND JUSTICE INITIAL APPLICATION

In 2015 New Orleans applied to join the first cohort of the sites in the Safety and Justice Challenge. In the application, each site was asked to speak to their motivation for joining the Safety and Justice Challenge. The following is an excerpt from New Orleans' application:

New Orleans holds more people in local jail per capita than any other jurisdiction in the country. Nationally, the rate of detention in local jails is 2.4 per 1,000; among the 50 jurisdictions with the largest jail populations, it doubles to 4.3. The rate of detention in Orleans Parish is 10.2 per 1,000: more than four times higher than the national average and even 2.5 times higher than the 49 other largest jurisdictions.

This rate of detention threatens the New Orleans economy, communities, and families.

African American families are particularly impacted. In a city that is 60% African American, almost 90% of the population housed at Orleans Parish Prison is African American and is often incarcerated for longer periods than other ethnicities for the same offense. The disproportionate effect on communities of color is unacceptable. This cannot continue if New Orleans is to thrive, if all her citizens are to have equitable opportunities for success, and if the criminal justice system is to maintain its legitimacy.

We must stop detaining people who do not pose a threat to public safety, and we must improve our system to resolve cases faster so that people may return to their jobs, families, and communities. The deeply negative impact on communities, particularly those of color, is the primary reason New Orleans is prioritizing jail population reduction.



NEW ORLEANS SAFETY AND JUSTICE CHALLENGE CONTEXT AND LANDSCAPE



In the decade prior to joining the Safety and Justice Challenge, New Orleans implemented several jail population reduction strategies based inside and outside the jail system, which contributed to a population reduction from over 7,500 to 2,000. Pretrial assessment and supervision, fast tracking, and summons initiatives all reduced detention for defendants. In 2011, the New Orleans City Council enacted an ordinance requiring that the new jail facility, replacing the sprawling 7,500-bed complex damaged by Hurricane Katrina, accommodate all detained populations (except defendants requiring acute mental health treatment) within 18 months of its opening. The Council then authorized a replacement jail of no greater than 1,438 beds (with an operational capacity to house about 1,260 detainees), with an additional 500 beds allowed to remain available for 18 months. This marked a dramatic shift in policy for the city. However, even with significant reductions, the average daily population remained around 2,000 in 2015.

In 2015, the Jail Population Management subcommittee was created and identified 17 strategies to reduce the jail population. These strategies included:

- 1.Reducing the number of alleged probation and parole violators with new misdemeanor and felony charges in the jail by diverting them from detention to the Day Reporting Center (DRC), operated by the Sheriff's office.
- 2.Increasing the number of summonses issued in lieu of custodial arrest.
- 3.Launching a sustainable, harm-reduction pre-booking diversion program that provides a broad range of services and referrals to people who otherwise would be arrested for reasons related to substance use, mental illness, or trauma.
- 4.Modifying probation and parole detention guidelines.
- 5.Creating policy to distinguish the possession of marijuana from the possession with the intention to distribute marijuana.
- 6.Increasing public defender representation at first appearance.
- 7.Expanding pretrial supervision through magistrate court.
- 8.Increasing pretrial release through an improved or validated risk assessment tool.
- 9.Institutionalizing bond review hearings.
- 10.Creating targets related to pretrial decision-making.
- 11.Creating policy to resolve municipal court cases for defendants with felony sentences.
- 12.Employing a full-time Jail Facilitator who is responsible for identifying impediments to release and case processing.
- 13.Placing a Licensed Clinical Social Worker and an MSW Social Worker in the jail to do assessments and discharge planning for in-custody defendants.
- 14.Implement a regular review of system-wide performance data.
- 15.Expanding the prosecutorial diversion program.
- 16.Improve the probation and parole violation process.
- 17.Conduct implicit bias trainings.

NEW ORLEANS SAFETY AND JUSTICE CHALLENGE CONTEXT AND LANDSCAPE

After successfully applying to join the Safety and Justice Challenge, New Orleans began the first Implementation phase in 2017. During the implementation phase, New Orleans prioritized the 17-point plan into 11 initiatives. The initiatives included:

1. Law Enforcement Assisted Diversion (LEAD): The LEAD program allows police officers to exercise discretionary authority at point of contact to divert individuals to a community-based, harm-reduction intervention for law violations driven by unmet behavioral health needs. The LEAD program began in 2017 as a pilot program in the 8th district.
2. Increasing Summons In-Lieu of Arrest: The purpose of this initiative was to provide law enforcement officers with increased discretion to issue a summons rather than make a custodial arrest.
3. Reduce Arrests for Out-of-Parish Warrants: Eliminating custodial arrests made by the New Orleans Police Department on individuals with only an out-of-parish warrant.
4. Public Defenders at First Appearance: Public defenders at first appearance ensure strong pretrial release advocacy.
5. Risk Assessment Tool: New Orleans was selected by the Laura and John Arnold Foundation as a site to implement its Public Safety Assessment (PSA), which would potentially make pretrial release decisions across judicial officers more consistent and risk-driven. The PSA operates on a 6-point risk level scale. The Risk Assessment is conducted by Pretrial Services, which also oversees pretrial supervision.
6. Increase Release on Recognizance (ROR): The goals of this initiative were to increase the use of non-financial release in Magistrate Court for lower risk defendants whose charges are legally eligible and increase the use of nominal bond charges for defendants who are lower risk, but whose charges are ineligible for a ROR.
7. Justice System Administrator (JSA): The Senior Position within the Orleans Parish Sheriff's Office aimed to reduce the jail population by expediting release for defendants who are lower risk or otherwise would be better served in the community and addressing process issues and delays to reduce length of stay.
8. Address Alleged Probation and Parole Violators: Reduce admissions and length of stay for alleged probation and parole violators by encouraging officers' and judges' discretion in using detention and ensuring the timely processing of cases to prevent extended, unnecessary stays.
9. Community Advisory Group: The Community Advisory Group is made up of a diverse group of New Orleans citizens committed to working to reduce the jail population and increasing equity in the criminal justice system, as well as monitoring public officials and holding them accountable.
10. Indigency Assessment: Utilize a tool that assesses indigency and recommends how to scale discretionary fees and fines according to ability to pay.
11. Court Notification System Launch: In order to reduce Failure-to-Appear (FTA) rates, a court date notification system was developed to text defendants in Municipal and Criminal District Courts to remind them of upcoming and recently missed court dates.

THE JAIL POPULATION GOAL SET BY THE SAFETY AND JUSTICE CHALLENGE IS 990.

NEW ORLEANS SAFETY AND JUSTICE CHALLENGE IMPLEMENTATION

During 2019, New Orleans entered the second phase of implementation. The following initiatives were sustained and expanded: Public Defender at First Appearance; the Law Enforcement Assisted Diversion Program, Pretrial Services, and Warrant Reduction. During this phase, New Orleans instituted the following additional initiatives:

- **Prosecutorial Diversion:** Expand diversion to expeditiously divert defendants and increase accessibility of the diversion program by establishing a satellite office and ensuring program eligibility is not determined by a participant's ability to pay. Financial assistance was also made available to those who qualify.
- **Community Supported Release:** The purpose of the Community Supported Release Program is to provide additional resources to community organizations and informal networks that support individuals to overcome barriers to attending court. These services include childcare and transportation, as well as services adapted to overcome barriers due to the COVID-19 pandemic.
- **Case Processing:** To decrease lengths of jail stays for in-custody defendants the Office of Criminal Justice Coordination hired an Interagency Coordination Specialist to address system inefficiencies and increase system-wide coordination.
- **Jail Release Navigator (JRN):** The JRN's work with the jail medical/behavioral health provider staff in developing individual transition plans for eligible detained people and aid with accessing specific care and services for individuals with frequent contact with the criminal legal system.
- **Ethnic and Racial Disparity (ERD) Working Group:** In October of 2020, the Ethnic and Racial Disparity Working Group was formed in partnership with the VERA Institute of Justice, with the composition of the working group being 50% government agency representatives and 50% being community representatives. The group produced a [Recommendation Report](#) in July 2022 to center equity within current reform initiatives and expand equitably opportunities for criminal legal system prevention.

In 2022, the Safety and Justice Challenge intensified its pursuit of the shared goal of eliminating racial and ethnic inequities in their local criminal justice systems through the Racial Equity Cohort Initiative. The Racial Equity Cohort will consist of four counties already participating in the SJC joining with local community partners to focus on these efforts. The cohort will center lived experiences of Black, Indigenous, and Latinx people, and other people of color and authentically engage the community. In January 2022, New Orleans was one of four jurisdictions selected to join the Racial Equity Cohort, an effort to deepen the Challenge's commitment to learning and investing in more intentional and effective strategies to eliminate institutional and systemic racism within the criminal legal system. As a Racial Equity Cohort Site, Total Community Action Inc. and the Mayor's Office of Criminal Justice Coordination have committed to facilitating the development of a sustainable, community-designed blueprint for advancing racial justice and reimagining criminal legal system reform.

Currently, New Orleans is in the Capstone phase of the Safety and Justice Challenge, with the expectation that the work will be sustained after the Safety and Justice Challenge ends in 2026.

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