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Honorable Gerald Hansen
Criminal District Court
Parish of Orleans
2700 Tulane Avenue
New Orleans, Louisiana 70119

**Ref: TA-2-019: Parish of Orleans, Louisiana - Review of
Operations of Magistrate Pretrial Release
Program**

Dear Judge Hansen:

The following summarizes the on-site visit of the two-person study team (myself and Jay Carver) that visited New Orleans on July 12 and 13. As you know, this request was originally made by Madlyn Richard, Project Director of the CADA program, to assist in "formalizing policy and strengthening procedures in [the Magistrates'] Pretrial Services Program."

In response to this request, we spent two days observing the operation of the program and its role in the courtroom, examining forms, and interviewing a variety of officials of the Court, the Criminal Sheriff's Office, and the District Attorney's office. We spent some time as well talking with the court reporters who serve part time as pretrial program staff. We were impressed with their obvious dedication to the program, and their interest in both the work itself and in providing quality services to the Court.

New Orleans has a long and somewhat unique history with pretrial service programs. In the 1970's, District Attorney Harry Connick implemented a release program within the prosecutor's office. The scope of the program was evidently quite limited, and without sustained funding it eventually fell by the wayside. In 1979, the Criminal Sheriff's Office began a jail-based screening program that operates to this day. Two years ago, the Court, demonstrating considerable resourcefulness, started its own screening program using court reporters and a minute clerk as part-time staff.

Not surprisingly, with two parallel programs operating, (and a third method of emergency release known as "PCR" when population is over cap) we heard a variety of opinions on what should be done in the area of pretrial services. Despite the diversity of opinion on such issues as administrative placement and scope, there seemed to be unanimity on at least one point: Orleans Parish needs a



Honorable Gerald Hansen
August 2, 1990
Page Two

comprehensive program of pretrial services. The Sheriff is facing severe pressures to reduce jail crowding and believes that an expansion of his program (CINTAP) would help ease the pressures. Court officials expressed confidence in their own small but efficient screening program, as well as a preference for pretrial services accountable to the judiciary. For those working in and around the Magistrates Court, there is also the human dimension. The daily parade of defendants and their families serves as a constant reminder that a more comprehensive program might be able to match up more people with the services they need.

The need for pretrial services is highlighted by the Drug Use Forecasting (DUF) data available for New Orleans, which indicates that cocaine prevalence among arrestees has been as high as 60%. Despite the fact that drug use is associated with higher rates of pretrial misconduct (rearrests, missed court appearances), New Orleans does not yet have the capacity to identify or monitor drug-dependent arrestees. Many of these "problem" cases are no doubt securing release, through the efforts of the release programs, as a "PCR" release, or by posting bonds. The Assistant District Attorney with whom we spoke estimates that about half of all defendants on the docket are eventually released.

In short, everyone agreed that the Parish needs to strengthen supervised release. As expressed by one official, supervised release helps people get out of jail; gives judges better information; helps the community; and helps the criminal justice system.

We see three possible avenues of technical assistance.

First, having taken a look at the existing Magistrates Pretrial Program, we could offer some observations regarding case screening, risk assessment, follow-up services and monitoring. Frankly, we feel that anything we could offer in this area would be of limited value. The court reporters are already doing a good job within the limitations of the program. There is probably not much more that can be done, within present resource constraints to increase the scope of this effort.

Second, we could design a "blue print" for a comprehensive, court-based program. This form of assistance would provide projections for resources necessary for each component of a "full service" agency. It is clear that the Court would prefer its own pretrial services program. It is also evident that additional resources are becoming more scarce, and that there is a non-fiscal dimension to the question as well. Thus, we are not entirely

Honorable Gerald Hansen
August 2, 1990
Page Three

convinced that this avenue of assistance would be productive, or would lead to positive change.

Third, we could facilitate a process whereby existing resources already devoted to pretrial screening in both the Jail and at the Court could be combined (and possibly enhanced) to provide the broader service that everyone desires. Given our general preference for system-wide planning, we feel that this approach offers the greatest potential benefit. We are mindful, however, that institutional concerns are always present, and thus recognize that you might not feel this approach is feasible.

Should you wish to pursue this third avenue of assistance, we can envision several scenarios for coordinating resources that would serve the needs of the adjudication system, as well as the individual agencies involved. We would like the opportunity to review these in detail with you and Sheriff Foti.

In undertaking such a planning process, it would be essential that key Court and Jail officials have a thorough understanding of the needs and the concerns of each other. As a vehicle for this process, ATAP is willing to sponsor a three-day visit to the Washington area for a joint Court-Sheriff's Department contingent of up to four persons.

The purpose of the visit would be two-fold. First, it would provide the opportunity for observing two operating pretrial service programs -- one, a jail-based program in neighboring Prince Georges County, the other, the court-based program in the District of Columbia. Second, the more important purpose of the trip would be to design a program for Orleans Parish, away from the day-to-day pressures of everyone's regular job. This approach envisions working sessions among key actors, where the outlines of a coordinated approach (based on current capabilities and re-sources, but with reasonable resource enhancement goals) would be negotiated, and commitments made. The goal would be to have a Memorandum of Understanding prepared by the conclusion of the trip. Follow-up assistance could be provided during the implementation phase.

We understand that this third approach would not be easy to initiate or easy to carry out. But after our brief site visit, we feel that it offers the greatest potential. We look forward to hearing your reaction.

Honorable Gerald Hansen
August 2, 1990
Page Four

In the meantime, thank you for the amount of time you spent with Jay and me during our site visit and for the other personal courtesies you extended to us. We look forward to reciprocating in the near future.

Sincerely,

A large black rectangular redaction box covers the signature of Joseph A. Trotter, Jr.

Joseph A. Trotter, Jr.
Director
Adjudication Technical Assistance Project

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cc: Honorable Frank Shea
Jay Carver
Jay Marshall, BJA