A PLAN TO END MONEY INJUSTICE IN NEW ORLEANS

A SYSTEM THAT IS PAID IN FULL

INVOICE For -**ONE-TIME** Replacement **PAYMENT** funds to end money injustice to: Court +\$3.8M Funds needed -Court...... \$1.95M DA..... \$484K OPD...... \$377K **ADJUSTMENTS**

COMMITMENTS **NEEDED**

Judges replace money bail and end conviction fees to prevent

unnecessary

incarceration

Mayor and City Council reinvest jail savings to directly fund the court, DA, and OPD going forward

RECOMMENDATIONS

for a fairer, safer bail system

RELEASE OR CONSIDER DETENTION?

TOTAL.... \$2.8M

At initial court appearances, judges apply the presumption of release and only consider detaining someone who (a) has been arrested for a crime of violence for which state law requires a prison sentence if convicted; or (b) was assessed at the highest level of risk (level 5 of the DMF) and there is reason to believe the person presents an imminent danger to someone else or the community at large. Under either circumstance, further judicial review is required before making a release or detention decision (see Recommendations 7 & 8). Absent these circumstances, the person will be released immediately without having to pay money.

DECISION POINT Initital court

appearance

Judges release people who fall into the lowest levels of risk without imposing any conditions of release, financial or otherwise.

Judges release people who fall into the middle range of risk with the condition that they (a) comply with requirements set by pretrial services' supervision team based on an individualized needs assessment; or (b) participate in a community-supported release program.

Any mandatory 5 condition of release be made free of charge to the defendant.



Release w/o

supervision

Release

detention Crime of violence

Consider

that requires prison or risk level 5.



NEEDED

DA..... +\$484K

OPD.....+\$377K

For people presenting a danger to others based on the severity of their arrest charge or high risk level, judges conduct a full evidentiary hearing centered on the likelihood, degree, and specificity of the danger posed and exploring ways to potentially mitigate that danger with support and supervision. The arrested person will be provided counsel and a full opportunity to call witnesses and present evidence.

Risk level Release w/ supervision Risk level

pretrial services Release w/

Release w/

support

support

shifts emphasis from supervision to support for the majority of people, reserving supervision for those at the higher levels of

risk and need.

Going

forward,



DECISION POINT

no longer than three days

Formal detention hearing

[8] To achieve preventive detention for the relatively small number of people found to present an imminent danger to others, judges deny bail when permitted under state statute or, when not permitted, set a clearly unreachable bail amount, such as \$10 million.

Judges exercise their authority to terminate a probation detainer when it is based solely on a new arrest and the judge intends to release the person in that new case.

Judges release people (with or without 6 conditions) on their own recognizance or, if the offense for which they were arrested is "ROR-restricted" under state law, set a nominal money bail amount of one dollar "or even ten cents."

10 Judges apply these recommendations retrospectively, releasing people presently detained because they cannot pay the money bail set and using their authority to release those held solely because of a probation detainer.

Release w/ enhanced supervision

supervision

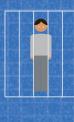
can mitigate any

potential danger.

Detain

safe option.

If the judge finds by clear and convincing evidence that detention is the only



To actually detain someone, the

record, supported by clear and

convincing evidence that serious

community exists that cannot be

mitigated by applying conditions

of release. That finding will specify

the facts on which it relies. Absent

such a finding, the judge releases

the person with enhanced support

and supervision as specified by the pretrial services agency.

and imminent danger to a

particular individual or the

judge must make a finding on the

IMPACTS When implemented, LESS MONEY TAKEN FROM NEW ORLEANS FRANKS FRANKS

Judges immediately stop imposing any type of monetary charge at conviction.

Retrospectively, expunge existing conviction fees and recall outstanding warrants issued for failure to pay or appear in court for a payment hearing.

this plan will result in...

> Council to directly fund the court, DA, and OPD

\$2.8M of which can be passed on

to the court and

other agencies

RECOMMENDATIONS to eliminate fines and fees imposed at conviction LESS INCARCERATION

system **Full funding** ends conflict of interest

awfu

system

better

use

or tax dollars

Judges to replace money bail and end conviction fees

Savings to New Orleans families of money bail and conviction fees

\$8.7M by not paying

Resulting Allowing in 304 to for reduced 687 fewer jail staffing people in jail and costs

Resulting in savings to the city of \$3.7M to \$8.3M

...at least 304... ...up to **687** (or possibly more)...

Resulting in:

...people no longer in jail.

www.vera.org/paid-in-full

June 2019

Vera

less expensive system