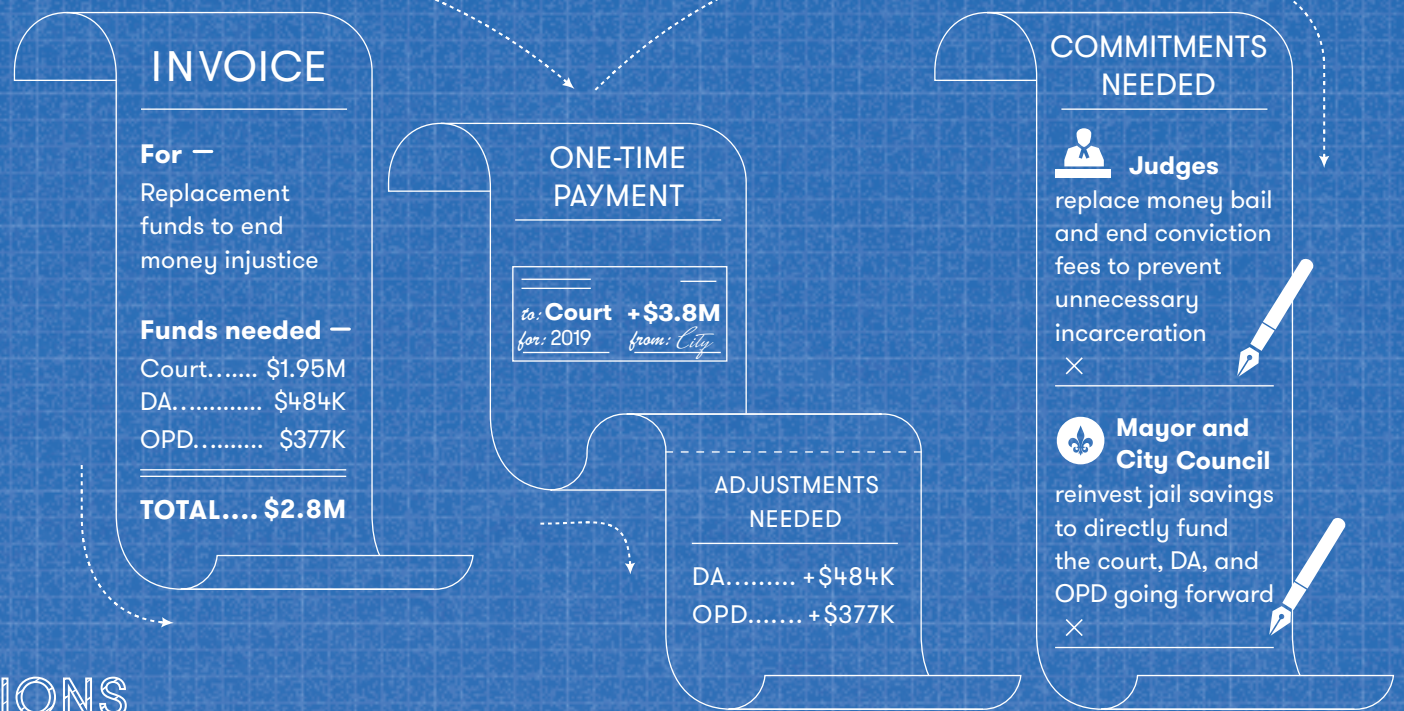


A PLAN TO END MONEY INJUSTICE IN NEW ORLEANS

A SYSTEM
THAT IS PAID
IN FULL



RECOMMENDATIONS for a fairer, safer bail system

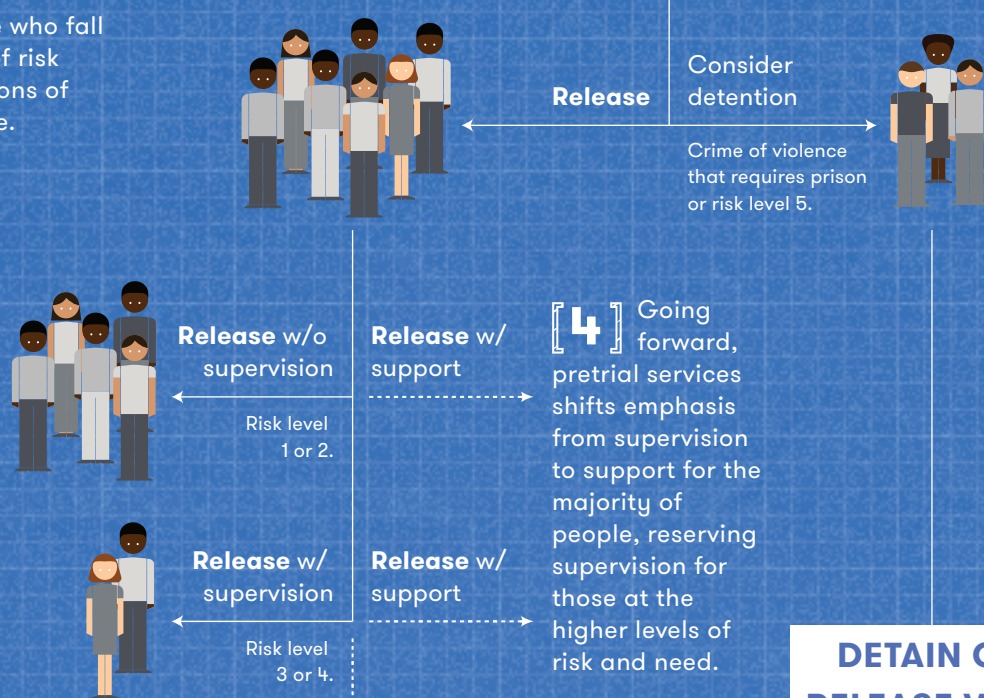
[1] RELEASE OR CONSIDER DETENTION?

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
Initial court appearance

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

[3] 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.



[4] Going forward, pretrial services shifts emphasis from supervision to support for the majority of people, reserving supervision for those at the higher levels of risk and need.

[7] 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.

in no longer than three days

DETAIN OR RELEASE WITH SUPERVISION?

DECISION POINT
Formal detention hearing

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

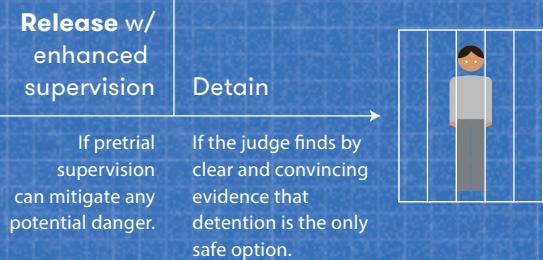
[8] To achieve preventive detention for the relatively small number of people found to present an imminent danger to others, judges deny bail when permitted under state statute or, when not permitted, set a clearly unreachable bail amount, such as \$10 million.

[9] 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.

[6] Judges release people (with or without 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.

To actually detain someone, the judge must make a finding on the record, supported by clear and convincing evidence that serious and imminent danger to a particular individual or the 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.



IMPACTS

When implemented, this plan will result in...

A fairer system
A lawful system
A better use of tax dollars



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

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

RECOMMENDATIONS to eliminate fines and fees imposed at conviction

