

# Paid in Full: A Plan to End Money Injustice in New Orleans

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Report Summary

The role that money plays in criminal justice systems across the country has come under increased focus in recent years. Steep costs are levied early in the process in the form of money bail, which becomes a requirement for release pretrial, and later through the imposition of fines and fees that accumulate as debt. People who cannot pay are jailed while their cases proceed, as are those who make the difficult choice to support their families rather than pay what the system demands. The result is a de facto system of money injustice.

These practices have long plagued New Orleans, driving unnecessary and harmful jail incarceration, pulling millions of dollars out of the pockets of struggling families, grounding the legal system in fundamental unfairness, and costing the city's taxpayers more than if the system were funded directly through general tax dollars. Despite huge reductions in the past few years, New Orleans still puts people in jail at a rate 30 percent higher than the national average. This burden falls disproportionately on black New Orleanians: of the more than one third of people in jail who are incarcerated because they can't afford to pay money bail, eight in 10 are black. And black families pay 88 percent of the dollars extracted through money bail.

In August 2018, two federal courts ruled that judges cannot lawfully impose money bail or enforce conviction fees because their own institution stands to benefit financially from these same decisions. These rulings command the end to money injustice. To its credit, New Orleans has been taking the initiative. In 2017, the city council passed an ordinance that virtually eliminated the use of money bail for people arrested for municipal offenses. Later that same year, the Criminal District Court launched an initiative to increase the number of lower-risk arrestees released without money bail. In 2018, the Juvenile Court eliminated money bail and all discretionary conviction fees. Finally, following the federal court rulings, the city took the significant first step of

replacing all revenues the Criminal District Court would lose by eliminating money bail and conviction fees. The system is now paid in full. The next step is to align court practices with this new system of funding to end money injustice and replace it with a fairer and safer system. This report sets out a blueprint to achieve that reality.

## Blueprint for ending money injustice

To bring about necessary reform, the city will need to commit to continually funding the court, Orleans Public Defenders, and Orleans Parish District Attorney by reinvesting some of the cost savings from reducing the jail population. The court must transition to a model of presumptive release or carefully limited detention—rather than a model based on payment—and eliminate conviction fees, prospectively and retroactively. The new model for determining pretrial release will restrict the possible use of preventive detention to those individuals arrested for a violent felony for which state law requires a prison sentence if convicted or individuals who are assessed at the highest risk level on the Public Safety Assessment (PSA), the risk assessment instrument used by the New Orleans court. All others would be released with varying levels of support and supervision, without imposing any conditions of release that require the payment of money.

For those individuals considered for detention, judges would conduct a full evidentiary hearing to determine the likelihood, nature, and degree of danger posed and potential ways to mitigate that danger with support. A person could only be detained pretrial if a judge made a finding by clear and convincing evidence that no conditions of release exist that would mitigate the risk of serious and imminent danger to a particular individual or the community. Moreover, judges would use their authority to release all individuals who,

### For more information

To read the full report, visit [www.vera.org/paid-in-full](http://www.vera.org/paid-in-full). For more information about this report or Vera New Orleans, contact Jon Wool, director of justice policy, at [jwool@vera.org](mailto:jwool@vera.org), or William Snowden, director, at [wsnowden@vera.org](mailto:wsnowden@vera.org), respectively. For more information about Vera, visit [www.vera.org](http://www.vera.org).

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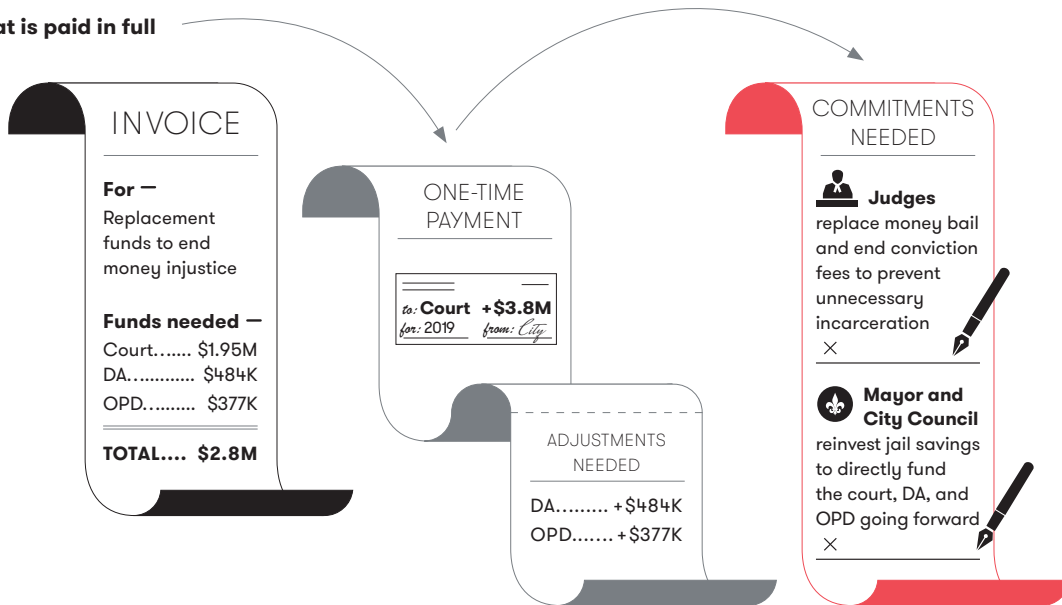
but for their status of being on probation, would otherwise be released pretrial.

Replacing money bail with the court practices outlined in this blueprint is projected to reduce the number of New Orleanians in jail on any given day by 304 to 687 people—a reduction of between 25 and 56 percent, and possibly even more. Thousands of New Orleanians would no longer live under the threat of arrest because of their inability to pay their conviction fees. New Orleans families will be able to keep the nearly \$9 million they now spend each year to buy

their freedom and spend that money on basic necessities instead. The city will save \$5.5 million in taxpayer money from unnecessarily jailing people and will be able to reinvest it in ways that will help support the community.

By taking these actions, Criminal District Court judges, the mayor, and city council members will make New Orleans the first city in the country to replace money bail and conviction fees—the twin pillars on which money injustice stands—with a fair, safety-promoting, and financially stable system of justice.

**A system that is paid in full**



**A better alternative**

