

Criminal Justice Leadership Alliance
“United to implement justice system innovation”



New Orleans Safe City Initiative

Expedited Screening and Disposition Initiative

Overview and Summary of Performance

February 25, 2010

The Expedited Screening and Disposition Initiative is one of the original projects of the Criminal Justice Leadership Alliance. The CJLA was formed in the fall of 2007 at a retreat of all of the city’s criminal justice leaders, convened by Criminal Justice Committee Chair James Carter and Luceia LeDoux, Public Safety/Governmental Oversight Grants Program Director for Baptist Community Ministries. The CJLA is advised and staffed by the Vera Institute of Justice, the nation’s leading organization working with government to improve justice and public safety outcomes.

Performance, January 2010

The Initiative seeks to reduce the time from arrest to arraignment in state drug cases.

In comparison to a 2007-2008 baseline, the Initiative has decreased the median time from arrest to the filing of a screening decision by nearly a factor of nine, from approximately **61 days to seven days**.

In comparison to the baseline, the time from the filing of the DA screening decision to the arraignment in court for detained defendants changed little, now at **4.5 days**.

Cumulatively, in comparison to the baseline, the Initiative decreased the median time from arrest to arraignment for detained defendants by a factor of six, from approximately **64 days to 10.5 days**.

Background

In New Orleans, roughly one-third of arrests on state charges are for simple drug possession offenses. Although most of these cases can be investigated and screened very quickly, the police and assistant district attorneys had until recently waited until near the end of the time allowed under the statute—45 days for misdemeanors and 60 days for felonies—to complete the police paperwork and decide whether to accept charges and bring defendants to court. This delay used

precious police, jail, prosecution, and defense resources, limiting the ability of the police, prosecutors, defense counsel, and judges to focus on more serious and violent crime. It also meant that defendants who could be better served by substance use treatment or diversion than incarceration were not identified for weeks or even months after they are arrested and detained.

Practices in New Orleans differed from national good practices in two significant ways. First, there is a significant delay after an arrest is made before the police complete the police report and the district attorney's office screens the case for prosecution. And, second, arrestees are detained for much longer periods than in other cities before diversion from prosecution is offered or a formal charge from the prosecutor is filed and the criminal case can be resolved.

In response, the city's criminal justice leaders began implementing the Expedited Screening and Disposition Initiative on March 31, 2009, following more than a year of planning by the Police Department, District Attorney's office, Orleans Public Defenders, Sheriff's Department, and Clerk of Court.

In its present, expanded, form, the Expedited Screening and Disposition Initiative shortens the period from arrest to arraignment for drug offense cases that have no accompanying state charge (except accompanying state charges in which the "victim" is the State of Louisiana, but not possession of a weapon by a felon).

A Solution for New Orleans: Expedited Screening and Disposition

The Expedited Screening Initiative has as its goal to reduce the period from arrest to arraignment, beginning with simple possession drug cases, from roughly 60 days to approximately eight days. The Initiative will:

- Conserve scarce public safety resources by rapidly screening weak cases, by swiftly accepting strong cases, and by allowing a shift of effort to fully investigate and prosecute violent cases in a timely manner.
- Ensure that public defenders are assigned at the earliest opportunity, and provide an opportunity for them to effectively counsel their clients.
- Provide a more just process for those who are arrested but not yet charged with a crime and help to improve the public's confidence in the criminal justice process.
- Serve as a model for collaborative inter-agency system change that advances justice and efficiency in criminal justice system processes.

Agency Roles in the Initiative:

Described below is the role of each participating agency in the Initiative.

Police Department: The department writes, reviews, and approves police reports and field test reports, and e-mails them to the district attorney's office's screening division within 48 hours of arrest, except when a weekend intervenes.

District Attorney's office: The district attorney's office makes a screening decision within 24 hours of receiving the e-mailed report and field test from the A-case officer, the receipt of the full criminal record of the defendant, and the discussion of the case between the screening attorney and the arresting officer.

Public Defender's office: The public defender's office assigns attorneys to indigent clients at the earliest possible moment and counsels their clients as quickly after arrest as possible.

Sheriff's office: The sheriff's office provides critical data to measure the success of the Initiative and produces Initiative arrestees before first appearance for indigency determinations and for attorney-client interviews.

Clerk's office: The clerk's office expedites the allotment and calendaring of cases in which the defendant remains detained.

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Recent Performance Results

February 25, 2010

The following performance data are for cases of individuals arrested for Expedited Screening and Disposition Initiative charges between January 1 and January 28, 2010. The Initiative shortens the period from arrest to arraignment for drug offense cases that have no accompanying state charge (except accompanying state charges in which the “victim” is the State of Louisiana, but not possession of a weapon by a felon).

In this cohort and the previous month’s cohort combined, 536 Initiative arrests were made. This represents approximately 30 percent of the state arrests during the 59-day period. Of the 494 of those Initiative arrests for which police reports were sent to the District Attorney’s office on or before January 28, the top drug charge was:

- marijuana possession in 257 cases (52.0% of cases with reports received by January 28),
- felony simple possession of other drugs in 111 cases (22.5%),
- possession of drug paraphernalia in 25 cases (5.1%),
- possession with intent to distribute drugs in 91 cases (18.4%), and
- distribution of drugs in 10 cases (2.0%).

In 87.9 percent of all January 2010 Initiative cases, police reports were significantly expedited, meaning that the police reports were received within five days of arrest. In 54.1 percent of Initiative cases, both the police reports and the screening process were significantly expedited, meaning that the time from arrest to filing of the screening decision was 10 days or less.

Arrest to Receipt of the Police Report by the District Attorney’s Office

As part of the Expedited Screening and Disposition Initiative, the Police Department agreed to e-mail a completed and approved police report and field test report to the District Attorney’s office within forty-eight hours of all Initiative arrests, except when a weekend intervenes or a significant ongoing investigation involving the arrestee requires additional time.

Table 1 shows the time from arrest to when the completed police report and field test report were e-mailed to the District Attorney’s office. The table is based on the 239 individuals arrested between January 1 and January 28 for Initiative charges.

Table 1: Time from Arrest to Receipt of Police Report (January cohort)

Time range	Percentage of cohort for which a police report was received within x days of arrest (n=239)
Less than 1 day	0.8% (2)
1-2 days	61.5% (147)
3-5 days	25.5% (61)
6-8 days	4.6% (11)
9+ days	1.7% (4)
No report received by February 4	5.9% (14)

The median time from arrest to receipt of the police report was two days for the 94.1 percent of the January cohort cases for which the District Attorney’s office received a police report by February 4. Note that for the 5.9 percent of cases in which the police report was not reported as received by February 4, the median time from arrest to receipt of the police report will be at least seven days, and thus the median time will increase as the data becomes complete.

Data is tracked by police district and individual officer to allow for internal performance management.

Arrest to receipt of the police report by the District Attorney’s office: two days

Receipt of the Report to Filing of the Screening Decision

As part of the Expedited Screening and Disposition Initiative, the District Attorney’s office agreed to make a screening decision (acceptance or refusal) within 24 hours of the electronic receipt of the completed police report and field test report, the receipt of the full criminal record of the defendant, and the discussion of the case between the screening attorney and the arresting officer.

Table 2 shows the time from when the District Attorney’s office received the police report to when the screening attorney filed a screening decision for those Initiative cases in which the District Attorney’s office received a police report on or before January 28.

Table 2: Time from Receipt of Police Report to Filing of Screening Decision (January cohort)

Time range	Percentage of the January cohort cases in which a report was received for which a screening decision was
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	filed within x days of report receipt (n=160)
Less than 1 day	---
1-2 days	15.0% (24)
3-5 days	26.9% (43)
6-8 days	16.2% (26)
9-11 days	6.3% (10)
12 + days	16.2% (26)
Not yet filed as of February 4	19.4% (31)

The median time for filed cases from receipt of the report to filing of the screening decision was six days for the 80.6 percent of Initiative cases in which the District Attorney’s office received a police report on or before January 28 and filed a screening decision by February 4. Note that for the 19.4 percent of cases in which the District Attorney’s office did not file a screening decision by February 4, the median period from receipt of the police report to filing of the screening decision will be at least seven days and thus the median time likely will increase when the data is complete.

Data is tracked by individual screener to allow for internal DA performance management.

Receipt of police report to filling of screening decision: 6 days

Filing of Charges to Arraignment for Detained Defendants

For those cases in which the District Attorney’s office accepts charges and the defendant remains detained at the time of filing, the Initiative aims to calendar those cases for arraignment on the next business day.

The below analysis examines case processing for the 92 individuals in from the January cohort for whom a screening decision was filed as of January 28. At the time the decision was filed in these cases, 26.1 percent of these individuals were still detained.

Table 3 shows the median number of days between filing and the scheduled arraignment date for all detained Initiative defendants for the January cohort.

Table 3: Time from Filing to Arraignment, detained defendants (January cohort)

Charge Class	Filing to Arraignment*
Only 4 th (n=11)	5 days
Any 2 nd & 3 rd (n=13)	4 days
All classes	4 days

*There were four cases from the January cohort in which the arraignment date was rescheduled from an earlier date. The table uses the rescheduled date.

Data is tracked by individual section of court to allow for internal Clerk and Court performance management.

Filing of screening decision to arraignment for all detained cases: 4 days

Cumulative System Performance, Arrest to Arraignment for Detained Defendants

The Initiative aims to reduce the time from arrest to the arraignment for detained defendants to approximately eight days. Table 4 shows the cumulative time arrest to arraignment for all detained Initiative defendants for the January cohort.

Table 4: Time from Arrest to Arraignment, detained defendants (January cohort)

Charge Class	Arrest to Arraignment
Only 4 th (n=11)	11 days
Any 2 nd & 3 rd (n=13)	10 days
All classes	10 days

Arrest to arraignment, for all detained cases: 10 days, down from 64 days