

10

YEARS OF REFORM IN NEW ORLEANS

2007 ▶ 2017

ORLEANS PUBLIC DEFENDERS  
2017-2018 ANNUAL REPORT



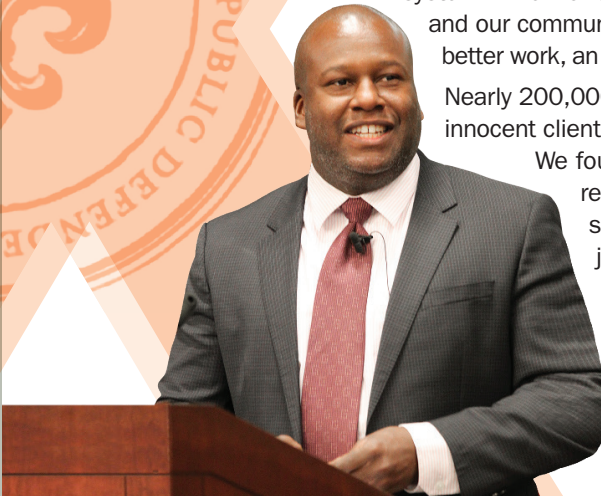
Stop.

Close your eyes and think about the last 10 years of your life. What have you done between then and now? Maybe you got married, had a child and watched her score her first goal. Maybe you finally earned your degree and landed your dream job. Maybe you saw your first total solar eclipse.

For the Orleans Public Defenders Office (OPD), the last 10 years have been every bit as life changing and groundbreaking as finding love, finding purpose, or discovering what is possible. Reforming public defense in New Orleans did not just improve representation for poor people in the criminal justice system in New Orleans. OPD transformed public defense, liberating our profession, our clients and our community from the notion that public defender means a lawyer who could not find better work, an investigator who refuses to investigate and an advocate who does not care.

Nearly 200,000 cases moved through OPD over the past decade. We handled cases for innocent clients, producing thousands of not guilty verdicts and thousands of dismissals.

We found redemption for clients who earned and fought for a second chance, resulting in sentence reductions and early releases for hundreds. OPD fought side-by-side with community and allies to stop plans for a nearly 6,000-bed jail, keeping our jail population low – part of one of the largest jail population reductions in the country. This continues to save money for New Orleans, while sparing many in our community from exploitation by Louisiana's user-pay criminal justice system. For 10 years, we have called out injustice: litigating and advocating for changes to the law, exposing corruption and challenging business as usual.



When I close my eyes and think about the last 10 years for OPD, I see us working, grinding to meet our own standards and fulfill our vision. At the same time, I see OPD trying to keep up with an increasingly engaged community – a community now expecting excellence from their public defender. The next 10 years for OPD begins with a new vision: Dignity Justice Hope. If history is any guide, then I suspect 10 years from now, I will close my eyes and smile at how far OPD has come. I will then, with a more earnest expression, realize more needs to be done before dignity, justice and hope embrace our clients and our community.

— Derwyn Bunton, Chief Public Defender for New Orleans

# mission

We fight for our clients by providing excellent client-centered representation, reforming the system and partnering with the community.

## V I S I O N

dignity  
justice  
hope



2007-2017

# EVOLUTION

Created in the wake of a complete criminal justice system failure following Hurricane Katrina, OPD has become a benchmark for public defense. When former U.S. Attorney General Eric Holder characterized New Orleans' criminal justice system as "a system that is in trouble right now," he was not overstating the problem.

Social Worker  
Steve Robinson,  
Supervising Attorney  
Kenneth Hardin,  
Corey Ladd, Human  
Rights Watch's  
Tess Borden

In the decade since, OPD has dramatically increased the level of representation for poor people in New Orleans with our client-centered, community-oriented defense practice. Gone are the days of an unconstitutional, part-time office not fully vested in our clients' best interests. OPD now consists of a full-time staff of dedicated, highly-trained attorneys, investigators, social workers, client advocates, and administrators providing excellent and zealous defense of the most vulnerable & disenfranchised New Orleanians.

We have made significant advances in juvenile representation and mitigation, bond advocacy and mental health representation; laid the groundwork to reduce recidivism with diversion and alternatives to incarceration programs, and spearheaded innovative programming within the courts and with stakeholders.



# OF OPD

Local support has grown from nothing 10 years ago to a city council and mayor invested in a fully functioning OPD and recognition of the critical role public defense plays in criminal justice reform.

We are a leading voice for criminal justice reform, equal justice, and funding reform to end Louisiana's user-pay system and mass incarceration problems. Long known as the "Incarceration Capital of the World," we advocate for a more just criminal justice system, lead efforts to end bail in Municipal Court, and actively work with other stakeholders to decrease our burgeoning jail population.

Client advocacy is central to all we do. Bernard Noble and Corey Ladd were just two whose cases made headlines. In both, we fought against draconian sentencing laws and aggressive prosecutorial practices. While Mr. Noble and Mr. Ladd are both finally home, reunited with their families and putting their lives together, too many others face similar injustices – large and small, ordinary and extraordinary.

We stand beside them, fighting for justice, hope, dignity and redemption.



Bernard Noble's family

# SAFETY AND JUSTICE CHALLENGE

Since February 2017,  
we have been successful in  
**50%** of bond reductions  
for low-risk clients.



**49%** increase  
in release within  
3 days.

Until recently, New Orleans led the nation in urban jail incarceration, contributing to Louisiana's dubious title as incarceration capital of the world. In early 2005, the Orleans Parish jail complex held about 6,500 people.\*

In 2015, New Orleans was chosen as one of the Safety and Justice Challenge sites funded by the MacArthur Foundation. OPD partnered with a coalition of stakeholders to drastically reduce our jail population by, among other strategies, strengthening pretrial release advocacy from first appearances to arraignment, ensuring people are not detained because of their inability to pay their bond.

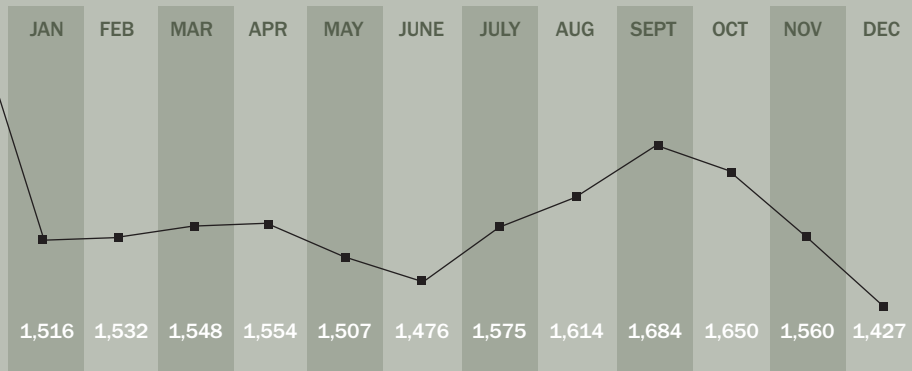
Our Bond Project is made up of two dedicated bond attorneys and a pretrial release client advocate, the Bond Project has drastically improved representation at first appearances by advocating for release and incarceration alternatives for many of our clients – keeping families together, clients employed, in their homes, and redirected to critical treatment and diversion programming.

**WHY?** Pretrial detention doesn't make us safer, leaves untreated, and ultimately criminalizes poverty.

2005  
6,500

# NEW ORLEANS JAIL POPULATION

2017 AVERAGE JAIL POPULATION



In the six months prior to the start of the Challenge, the average daily population was **1,617**

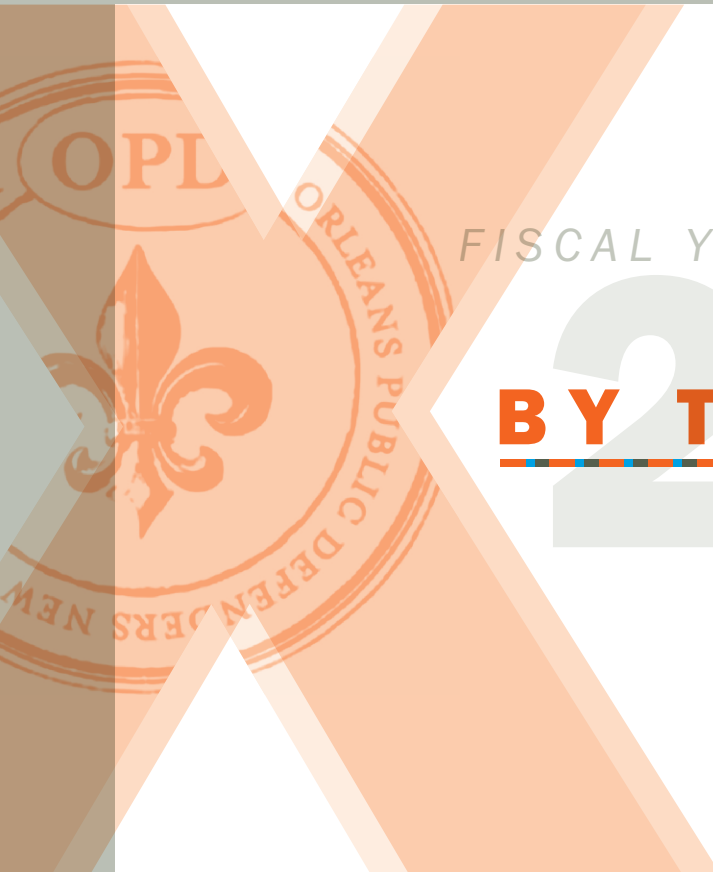
By December 2017, the jail population had dropped to **1,427** the lowest in nearly 40 years.\*



mental health and addiction issues  
*Our community deserves better.*

OPD has been central to the ongoing success of the initiative.

\*New Orleans Safety and Justice Challenge Annual Report (for more information visit: [safetyandjusticechallenge.org/challenge-site/new-orleans](http://safetyandjusticechallenge.org/challenge-site/new-orleans))



FISCAL YEAR

# 2017

**BY THE NUMBERS**

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# CHERRIE MITCHELL

Cherrie Mitchell is excited as she helps her son Drenel complete his application to Delgado Community College. For 14 months she was away from him, held in jail and unable to afford bond on charges stemming from a fight to protect herself and her son. But today she is free, acquitted by a jury after trial.

“It was scary being away from my son so long. I missed so many things – his prom, his graduation, his 21st birthday. But I’m a mom, I’m his sole support, and my job is to protect my family,” Ms. Mitchell says.

Staff Attorneys Arthur Rowe and Laura Bixby’s passionate defense validated her difficult decision to go to trial even knowing she was facing decades away from her son.

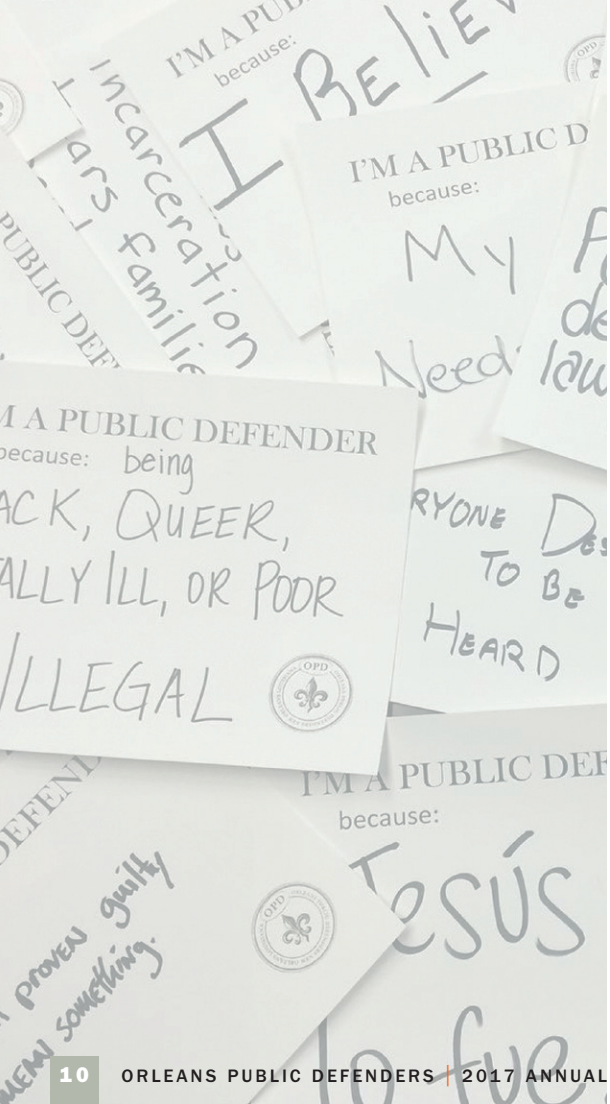
“It wasn’t easy, but Arthur and Laura helped me have patience and stay focused. They truly were a godsend.”

She was overjoyed as the verdict was read. Her family was there to support her along the way, her brother even shouting “Two thumbs up for the public defenders!” as they left the courtroom.

“I’m not angry anymore. I’m focused on putting our life back together, getting a job and a stable home for Drenel and getting back what I lost.”

Cherrie Mitchell, her son Drenel and Staff Attorney Arthur Rowe

*“I have Arthur and Laura to thank for that. For believing in me and fighting for me.”*



7,934 Adult Felonies  
12,986 Adult Misdemeanors  
189 Child in Need of Care  
4 Capital  
2,435 Revocations

# Cases

23,548  
Total Cases in 2017

61 Attorneys

13 Investigators

3 Social Workers

12 Client Advocates

1 Youth Advocate

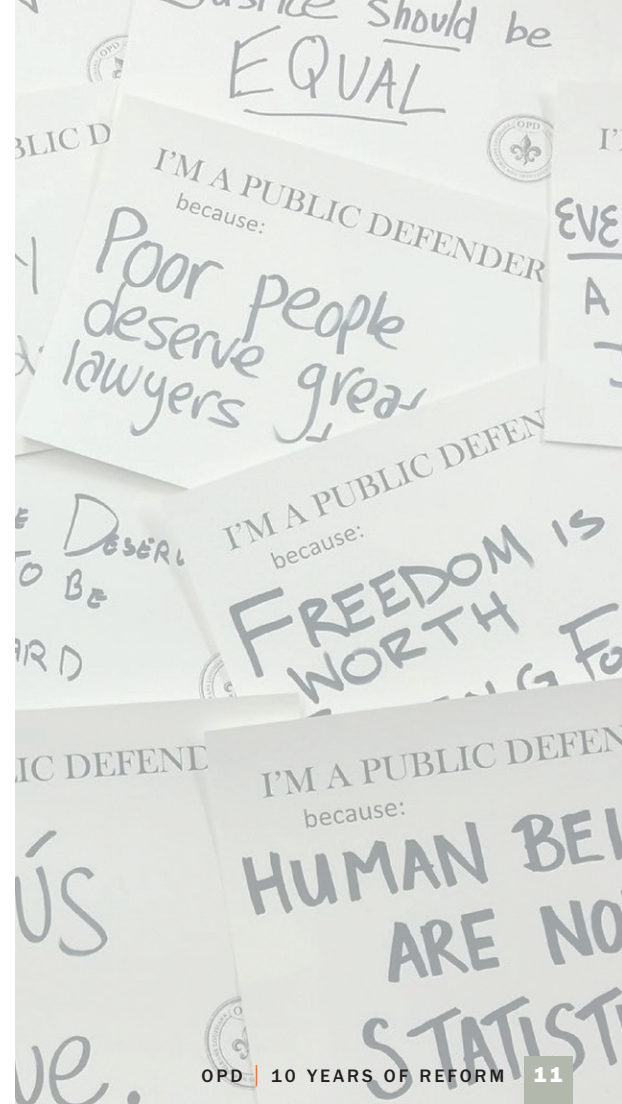
1 Parent Advocate

11 Administrators

# Staff

in the past decade, we have represented

**500,000+** cases and thousands of men,  
women and children each deserving fairness and equality.



# CLIENT-CENTERED DEFENSE AT WORK:

## CLIENT SERVICES

What began as an idea to better serve clients immediately after arrest has emerged over the last decade as a 360° holistic approach to addressing our clients' needs in court and out.

We work closely with attorneys offering comprehensive solutions to the social, psychological and human needs so clients don't fall back into the criminal justice system.

Total clients for 2017: **996**

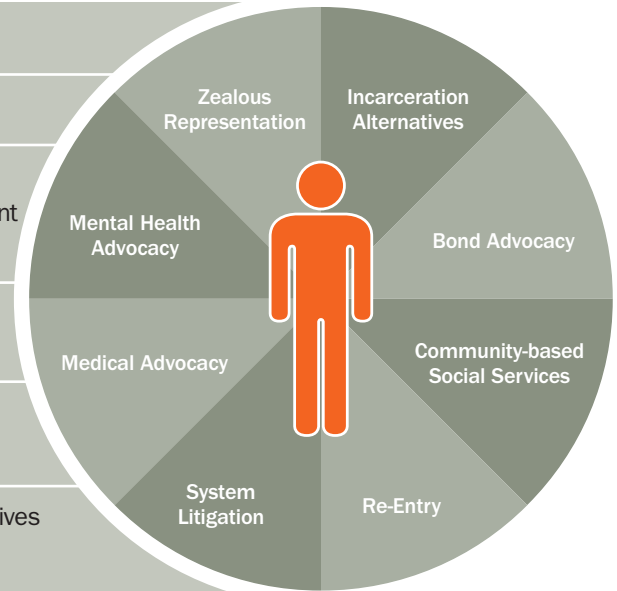
Total services: **1,673**

Referrals for social services, treatment programs, education, housing, employment and benefits: **445**

Appeals for direct medical and mental health treatment services: **368**

Re-entry readiness and other quality of life services: **219**

Mitigation advocacies – including alternatives to incarceration and sentencing: **75+**



## ONE OF THE BIGGEST IMPACTS:

connecting clients to treatment and housing programs and physically getting them there. This was a barrier to release for so many.

*“Relying on the criminal justice system to manage mental health is neither just nor healthy. It creates a public health crisis, exacerbating health and economic disparities affecting the most marginalized citizens.”\**

## FAISAL KHAN

One in three Orleans Parish detainees are treated for addiction and mental illnesses, but only 160 of the more than 500 people jailed are prescribed psychotropic drugs and included in a system ensuring specialized monitoring and treatment for their illnesses. \*\*

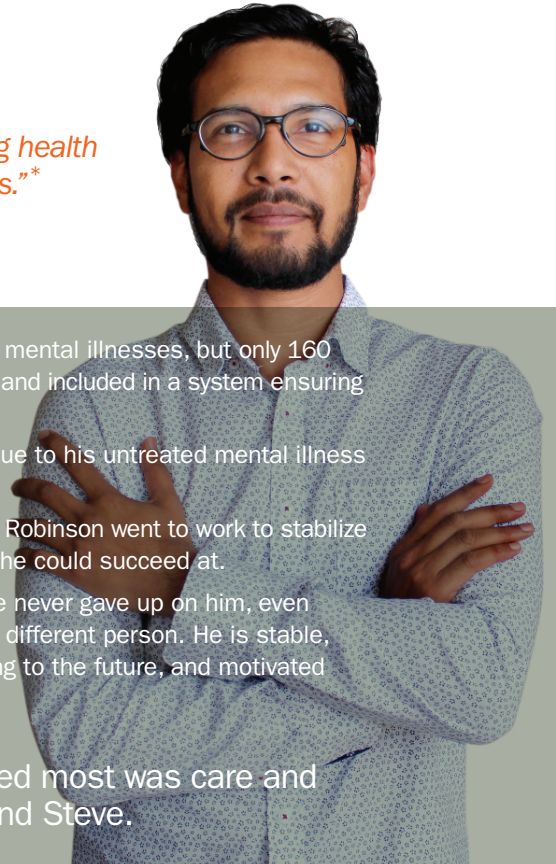
Faisal Khan was one of them. His erratic and aggressive behavior, due to his untreated mental illness and instability, landed him in custody on misdemeanor charges.

Mr. Khan’s team of Staff Attorney Emily New and Social Worker Steve Robinson went to work to stabilize and treat his illness and put together a release and treatment plan he could succeed at.

Mr. Khan epitomizes client-centered representation. Emily and Steve never gave up on him, even during his worst episodes. Today, he is a completely different person. He is stable, successfully participating in his programming, looking to the future, and motivated to help others like him.

Like so many others, what he needed most was care and treatment. He found that in Emily and Steve.

Faisal with Staff Attorney Emily New and Social Worker Steve Robinson



\* Course Corrections: National Public Defenders Summit on Mental Health and Criminal Justice

\*\* Lane, Emily (2018, January 9) nola.com



# PARENT REPRESENTATION IN NEW ORLEANS

More than 3 million parents in the US are subject to child-protective investigations annually, during which they have no right to an attorney.

They are predominantly poor mothers of color, many simply needing support and resources to create a stable environment for themselves and their children.

Thanks to a grant from the W. K. Kellogg Foundation we are changing that by improving parent representation in New Orleans and Mississippi. We give a voice to parents facing removal of their children and work toward increasing reunification and decreasing the length of stay in foster care and associated trauma.

In New Orleans, parents now have a full multidisciplinary team of an attorney, social worker and parent advocate working to ensure they are heard and supported through the case process. Where we once were unable to address the issues that led to removal, we can now connect them to vital resources and treatment.

The initiative has had the greatest impact in keeping parents engaged and committed to the programs needed to successfully reunite their families.

IN THE FIRST YEAR: **100 cases**  
**1/3 OF families** WERE REUNIFIED DUE TO  
PRE & POSTADJUDICATION ADVOCACY.

# ENTATION

## DORIS JONES, PARENT ADVOCATE



Doris Jones loves to talk about her kids. She is a proud mother and grandmother, but it's been a long journey to this point. Lasting trauma of her mother's death and the wrong crowd growing up led her to drug and alcohol addiction.

Unable to get sober and care for her ever-rebellious adolescent boys, the juvenile court system intervened and removed her children. For the next year and a half, she cycled through sobriety and relapse, all while separated from her kids. Eventually, she was able to turn her life around. She remembers the day the judge granted her custody again, "I'd never been so happy."

Today, Doris is a passionate advocate for parents going through exactly what she did, working diligently to get mothers just like her back on track.

To date, Doris has helped roughly 20 clients with everything from treatment programming, visitation and meetings, a listening ear and a stern mother figure when necessary.

Seeing the system from a new perspective, she can't help but think if she'd had someone like her all those years ago, how much better the situation would have been, how much time she could have spared her family being separated.

*"I get to be that advocate now and I couldn't be more proud."*



# **COMMUNITY OUTREACH & ENGAGEMENT**

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Connecting with our community and supporting our allies through initiatives such as Muni at the Mission, Expungement Hour with the Justice and Accountability Center, Vote's Campaign to restore voting rights, Second Line to the Polls with the Martinet Society, Lousianans for Prison Alternatives, NORDC Back to School Drive and more.



2017 Clyde Merritt Award Honorees Jones Walker's Michael Magner and Mark Cunningham for their zealous representation of OPD Investigator Taryn Blume.



Client Advocate Robert Jones speaking out against further jail expansion





# SECOND LINE FOR

Once again we second lined for equal justice. Joined by a coalition of community leaders, social justice organizations, social aid and pleasure clubs, and more, we called on our decision makers and stakeholders to pay attention to the injustices of our criminal justice system, prioritize reform, fully fund public defense, and put an end to the mass incarceration of poor people and communities of color in New Orleans.





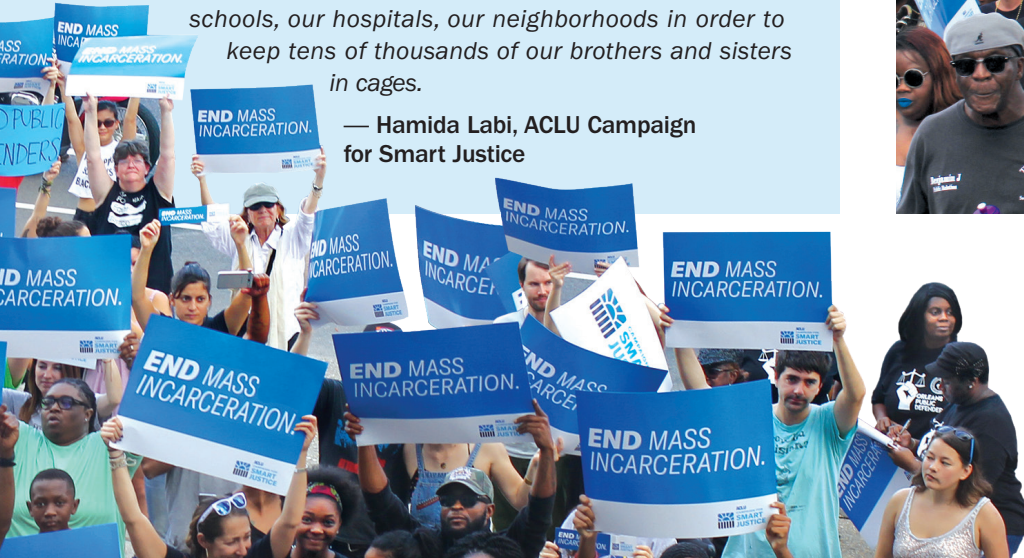
# EQUAL JUSTICE

*“If you believe that a right to a lawyer should not be based on whether you are rich or poor and that our public defender’s office should be fully funded...*

*If you believe that people who are not convicted of any crimes should not be held in jail simply because they cannot afford to bail out...*

*And if you believe that it is wrong for money to be taken from our schools, our hospitals, our neighborhoods in order to keep tens of thousands of our brothers and sisters in cages.*

— Hamida Labi, ACLU Campaign for Smart Justice



Thank you to the generous support of our partners, sponsors and organizers:



# the nation is still watching— reform is still needed

WE HAVE MADE GREAT STRIDES IN THE LAST DECADE AND 2017 WAS NO DIFFERENT. BECAUSE OF THE DEDICATION OF ATTORNEYS, INVESTIGATORS, SOCIAL WORKERS, ADVOCATES, AND OTHERS, POOR DEFENDANTS NOW HAVE ZEALOUS REPRESENTATION AND MEANINGFUL SUPPORT ON THEIR SIDE.

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Yet still, many are forced to face the criminal justice system alone – a system willing to close the door, throw away the key, and look for truth and justice later – because of budget shortfalls and Louisiana’s archaic user-pay funding system.

Continued shortfalls harm the ability of public defender office’s to provide constitutional and effective representation. Public defender offices across Louisiana remain overburdened and lacking insufficient resources. Waitlists and service restrictions remain in place. Capital representation has been decimated by our legislature.

Our office handled over **20,000** cases last year, a staggering number for an office with less than half the funding of the District Attorney and just **6%** of the funding appropriated to the New Orleans Police Department.



# 60 MINUTES' DEFENSELESS

IN APRIL 2017, CBS' NEWS PROGRAM 60 MINUTES FEATURED OPD, OUR CONTINUED FISCAL AND RESOURCE CRISIS, AND THE DRASTIC DECISION TO REFUSE CASES.

Our criminal justice system has become something of a conveyor belt that starts with you being arrested and there are hands that touch you on the way to prison. It is not about figuring out at any point if you're innocent and if you should even be on this conveyor belt.

— Derwyn Bunton,  
Chief Public Defender for  
New Orleans

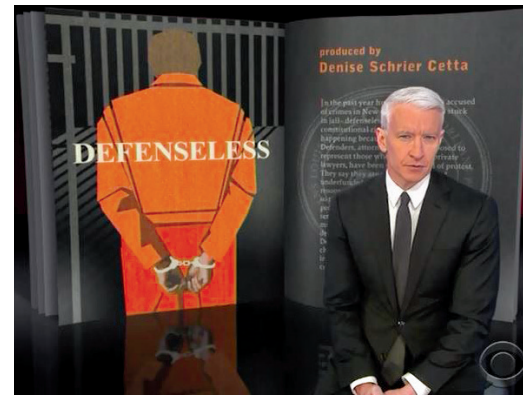
“The gap between what you should do and what you can do is too great.”

When asked how many of them felt an innocent client went to jail because they didn't have enough time to spend on their case, every hand was raised.

The Louisiana Project workload study finds Louisiana public defenders handle nearly five times the cases they should.

“Isn't a busy public defender better than languishing in jail without any kind of an attorney?”asked Anderson Cooper. “No. An attorney poorly resourced can cause irreparable harm to a client,” responded Derwyn Bunton, Chief Defender for New Orleans.

Here we have a criminal justice system, stories of innocence throughout and profound, and we still haven't had the urgency to reform it so that we don't destroy lives. Make no mistake, we're destroying lives. And we are not going to be complicit in that kind of injustice any more.



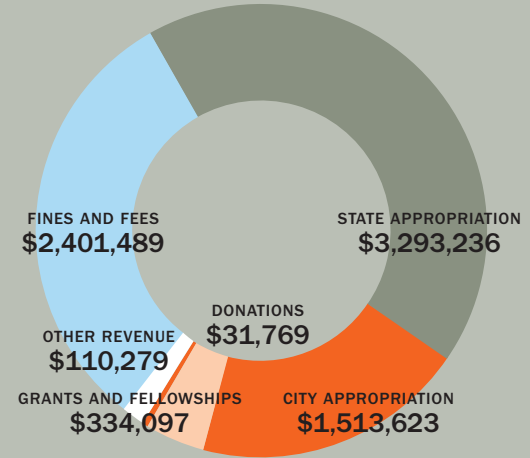
# FUNDING PUBLIC DEFENSE

FY 2017 | EXPENDITURES \$7,408,672 | REVENUE \$7,684,507

IN 2017, NEW ORLEANS SPENT **\$214.3 million**  
TO ARREST, PROSECUTE AND INCARCERATE  
AND JUST **\$1.6 million** TO PROTECT INNOCENCE,  
PROVIDE ACCOUNTABILITY AND ENSURE A FAIR AND JUST  
CRIMINAL JUSTICE SYSTEM

**6:1** DISTRICT ATTORNEY VS. PUBLIC DEFENSE APPROPRIATION

TOTAL BUDGET FROM FINES & FEES: **31%**



*“This is a system that has grown so large, without any counter balance, that it has produced the highest incarceration rate in the world. Public defenders are supposed to be that balance. And yet, public defenders remain woefully out-resourced and out-funded by district attorneys.”*

— Chief Defender Derwyn Bunton

# SUPPORT FELLOWSHIPS AND GRANTS

While support for OPD and public defense has grown over the last decade, we still remain vastly out-funded and out-resourced by our criminal justice system counterparts and have too great a dependence on fines and fees.

Yet, year after year, funders step up to the plate, ensuring poor people in New Orleans still have zealous representation. We have increased our grant funding, implemented innovative donor initiatives, and relied heavily on fellowships in every division of our practice.

Thanks to the continued support, our march toward client-centered, community-oriented equal justice continues.

## 2017 FUNDERS

W. K. Kellogg Foundation  
John D. and Catherine T. MacArthur Foundation  
City of New Orleans  
Greater New Orleans Foundation  
Kendall Vick Public Law Foundation  
Levick-Sullivan Family  
Stanford Law School  
New York University School of Law  
Cornell University Law School  
University of Texas at Austin School of Law

## PRIOR FUNDERS

Baptist Community Ministries  
Open Society Foundation  
American Bar Association  
Equal Justice Initiative  
New Orleans Police & Justice Foundation  
Louisiana Supreme Court  
Louisiana Commission on Law Enforcement  
Southern Poverty Law Center







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