

GIDEON is RISING

2014 annual report



Orleans Public Defenders



Each year, thousands of New Orleanians find themselves in the crux of the criminal justice system. Most are charged with nonviolent offenses, all are presumed innocent and many enter the system due to undiagnosed and untreated illnesses and addictions. Two-thirds of arrestees are imprisoned pre-trial - too poor to pay their bond. Not only are they too poor to get out of jail, they are too poor to hire a lawyer. Nearly 85% qualify for a public defender. 100% of the time, OPD answers the call.

In 2014, OPD fought for dignity, fairness and justice more than 21,000 times in Criminal, Juvenile, Municipal and Traffic Courts. We made significant advances in juvenile mitigation, bond advocacy and mental health representation, and laid the groundwork to reduce recidivism with diversion and alternatives to incarceration programs.

As we are recognized for our continued fight for justice in the name of Gideon, we at OPD know the value in human life, spirit, opportunity and redemption. And we fought for it. As we stand next to our clients fighting for fairness, justice and their liberty, our clients know they have a champion in their corner and someone who believes in them.



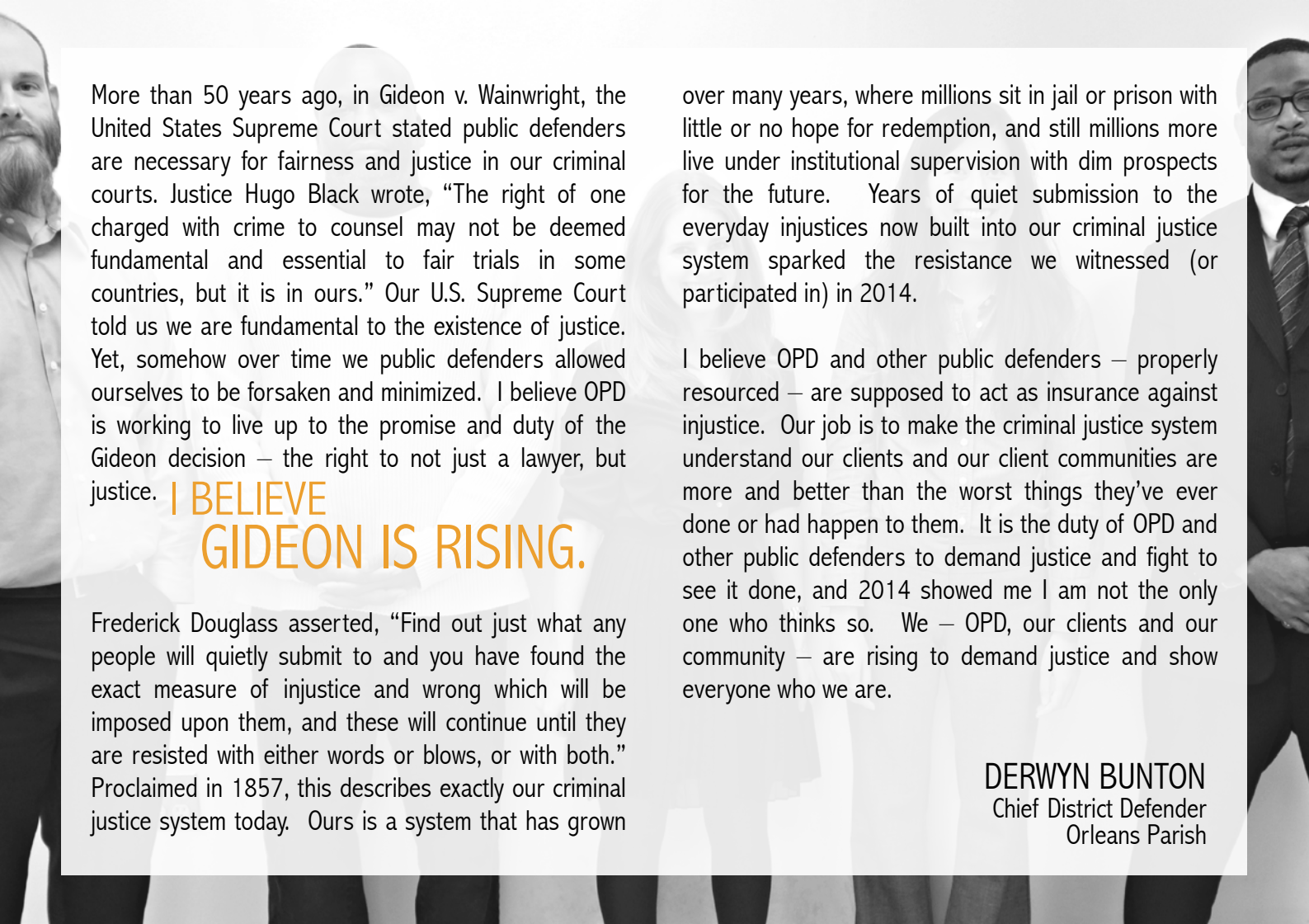
FROM THE CHIEF

“EQUAL JUSTICE UNDER LAW IS NOT MERELY A CAPTION ON THE FACADE OF THE SUPREME COURT BUILDING, IT IS PERHAPS THE MOST INSPIRING IDEAL OF OUR SOCIETY. IT IS ONE OF THE ENDS FOR WHICH OUR ENTIRE LEGAL SYSTEM EXISTS...IT IS FUNDAMENTAL THAT JUSTICE SHOULD BE THE SAME, IN SUBSTANCE AND AVAILABILITY, **WITHOUT REGARD TO ECONOMIC STATUS.**”

Justice Lewis F Powell, Jr., United States Supreme Court

For public defenders and our entire criminal justice system, 2014 was a year of great tragedy, challenge and inspiration. The deaths in Missouri, New York City, Cleveland and elsewhere of young African American men at the hands of law enforcement sparked conflict and conversation regarding the ills of our criminal justice system. Indeed, even we at the Orleans Public Defenders Office (OPD) called upon our community to stand together in solidarity against the ordinary injustices of our system. We did just that – hundreds of us – on December 16, 2014.

What emerged from the conflicts and conversations of 2014 was inspiring – a momentum toward system reform. One question being asked, as stakeholders and decision makers look for answers, is “how can we insure equal justice and equal access to justice for the poor in our criminal justice system?” The answer, at least in part, is public defenders.



More than 50 years ago, in *Gideon v. Wainwright*, the United States Supreme Court stated public defenders are necessary for fairness and justice in our criminal courts. Justice Hugo Black wrote, “The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.” Our U.S. Supreme Court told us we are fundamental to the existence of justice. Yet, somehow over time we public defenders allowed ourselves to be forsaken and minimized. I believe OPD is working to live up to the promise and duty of the *Gideon* decision – the right to not just a lawyer, but justice.

I BELIEVE GIDEON IS RISING.

Frederick Douglass asserted, “Find out just what any people will quietly submit to and you have found the exact measure of injustice and wrong which will be imposed upon them, and these will continue until they are resisted with either words or blows, or with both.” Proclaimed in 1857, this describes exactly our criminal justice system today. Ours is a system that has grown

over many years, where millions sit in jail or prison with little or no hope for redemption, and still millions more live under institutional supervision with dim prospects for the future. Years of quiet submission to the everyday injustices now built into our criminal justice system sparked the resistance we witnessed (or participated in) in 2014.

I believe OPD and other public defenders – properly resourced – are supposed to act as insurance against injustice. Our job is to make the criminal justice system understand our clients and our client communities are more and better than the worst things they’ve ever done or had happen to them. It is the duty of OPD and other public defenders to demand justice and fight to see it done, and 2014 showed me I am not the only one who thinks so. We – OPD, our clients and our community – are rising to demand justice and show everyone who we are.

DERWYN BUNTON
Chief District Defender
Orleans Parish



NEW ORLEANS
85 PERCENT
POOR & INDIGENT



CRIMINAL JUSTICE
SYSTEM

2014 BY THE NUMBERS

Each year, OPD represents tens of thousands of adults and children facing misdemeanor, juvenile, felony and capital offenses in Orleans Parish. In 2014, we continued the fight for justice for our clients, New Orleans and a fair and just criminal justice system.

STAFF



51
Attorneys



Investigators 18
1 Juvenile Mitigation Specialist

6 Client Advocates
Social Workers 2



8 Languages



Paralegals 2
13 Administrators



CASES

21,377

in Criminal, Juvenile, Municipal and Traffic Courts

7,967

Adult Felonies

10,164

Adult Misdemeanors

3,154

Revocations

83

Child in Need of Care

9

Capital

MAKING OUR MARK NEAR AND FAR

CHIEF OF TRIALS KENNY GREEN NAMED
New Orleans CityBusiness LEADER IN LAW



OPD ATTORNEYS HOST HIGH SCHOOL STUDENTS
FOR LA BAR ASSOCIATION'S SUIT UP PROGRAM

CHIEF DEFENDER DERWYN BUNTON FEATURED KEYNOTE SPEAKER
AT IOWA PUBLIC DEFENDER ASSOCIATION CRIMINAL LAW SEMINAR



OPD CO-HOSTS CAREER DIVERSITY PANEL with
TULANE BLACK LAW STUDENT ASSOCIATION
FEATURING DERWYN BUNTON and JEE PARK

MAKING OUR MARK NEAR AND FAR



NEW ORLEANS FILM FESTIVAL FEATURES
GIDEON'S ARMY AND CRIMINAL JUSTICE PANEL

OPD HONORED AS  
CRIMINAL JUSTICE HERO



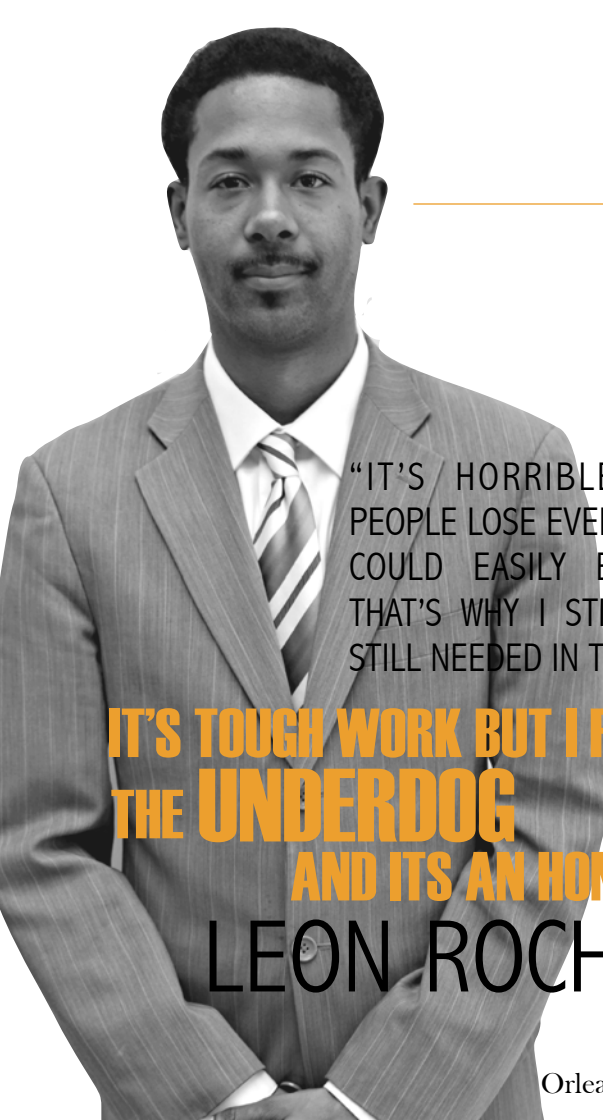
CHIEF DERWYN BUNTON FEATURED PANELIST
AT HARVARD LAW SCHOOL CRIMINAL LAW SEMINAR

OPD HOSTS SUB-SAHARAN AFRICA CRIMINAL JUSTICE DELEGATION

CHANGE ON THE GROUND

Meaningful change within our criminal justice system doesn't happen overnight. It is a product of forward thinking and tireless commitment. We made great strides toward change for our clients and the system through zealous representation and the implementation of innovative programs. OPD raised the standards for community-oriented defense in New Orleans. Advocacy happens every day, in and out of the courthouse.

DEFENDER DIALOGUE



“IT’S HORRIBLE WATCHING PEOPLE LOSE EVERYTHING. THAT COULD EASILY BE ME, BUT THAT’S WHY I STICK TO IT. I’M STILL NEEDED IN THE FIGHT.”

**IT’S TOUGH WORK BUT I FIGHT FOR
THE UNDERDOG
AND IT’S AN HONOR.**

LEON ROCHE

Don’t let his quiet and unassuming demeanor fool you. Staff Attorney Leon Roche reserves his energy for when he’s needed most - in court, next to his client - but get him talking about why he does what he does and he ignites.

The St. Augustine High School graduate wanted to learn the law and be a defense attorney because he wanted to know how to defend himself. “Being a black male from the South and New Orleans, I resigned early on to the fact I would be stopped, harassed and potentially arrested.”

As a member of the Katrina class at Loyola Law School, his close bond with New Orleans made him even more determined to defend his community. Leon takes the criminal justice system’s disparate treatment of young black men personally and it’s that inequity that keeps him fighting even when the stakes rise.

“I’m fighting for my city, for my neighbors, for the people I grew up with now in orange, because that could have just as easily been me and I want to change that.”

SETTING THE BAR ON JUVENILE MITIGATION

There are more than 2,500 children in the US serving life in prison without the possibility of parole. In 2012, the US Supreme Court's landmark decision in *Miller v. Alabama* made mandatory life without parole sentences unconstitutional for juvenile offenders. While the ruling is progress, the criminalization of children still remains too frequent within the criminal justice system.

Juvenile Mitigation Specialist Marcos Barbery, a documentary filmmaker and journalist, is passionate about kids and even more zealous about their physical and psychological care, qualities that drew him to the position. Marcos and OPD are working on a unique advocacy program to establish best and promising practices within the juvenile context.

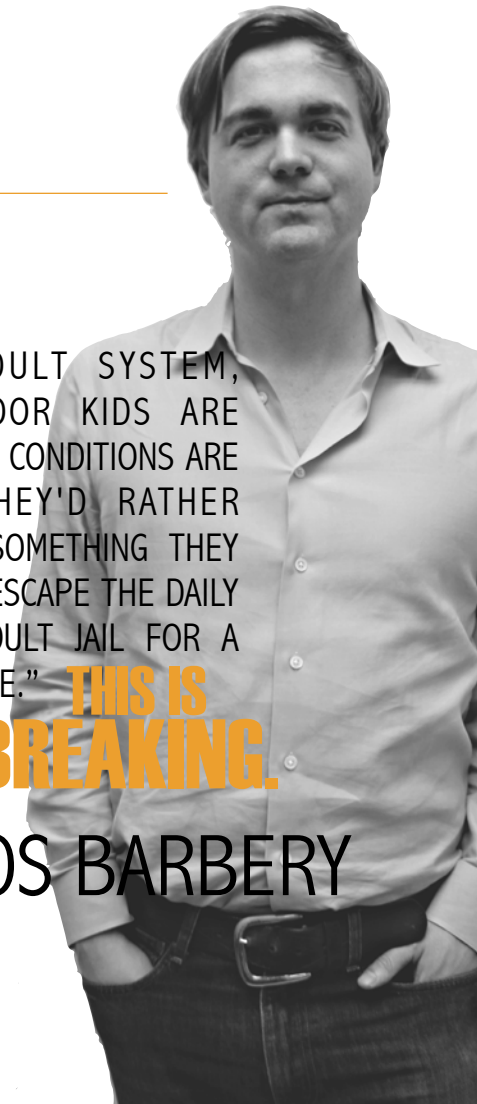
Working to establish counseling, mentorship and tutoring, as well as advocating for alternatives to incarceration and working to end the practice of housing children in adult jails, often in dangerous and dire conditions. The hope is to replicate OPD's juvenile mitigation model statewide and across the country.

Until then, Marcos remains an ardent advocate for his clients, a trusted confidant and a watchful eye on a system that would rather throw children away than invest in the possibility of their future.

“IN THE ADULT SYSTEM, RESOURCE-POOR KIDS ARE SITTING DUCKS. CONDITIONS ARE SO DIRE, THEY'D RATHER CONFESS TO SOMETHING THEY DIDN'T DO TO ESCAPE THE DAILY TERROR IN ADULT JAIL FOR A PRISON UPSTATE.”

**THIS IS
HEARTBREAKING.**

MARCOS BARBERY



COMMUNITY-ORIENTED DEFENSE

IN ACTION

1,825

services provided through Client Services advocates and social workers

634

clients served



18,996

immediate post-arrest assistance

216

referrals for social services,
treatment programs,
education, housing,
employment and benefits

239

appeals for direct medical and
mental health treatment

35

mitigation advocacies



“WE ARE NOT TO SIMPLY BANDAGE THE WOUNDS OF VICTIMS BENEATH THE WHEELS OF INJUSTICE, WE ARE TO DRIVE A SPOKE INTO THE WHEEL ITSELF.”

Dietrich Bonhoeffer

CHARLES BURBANKS

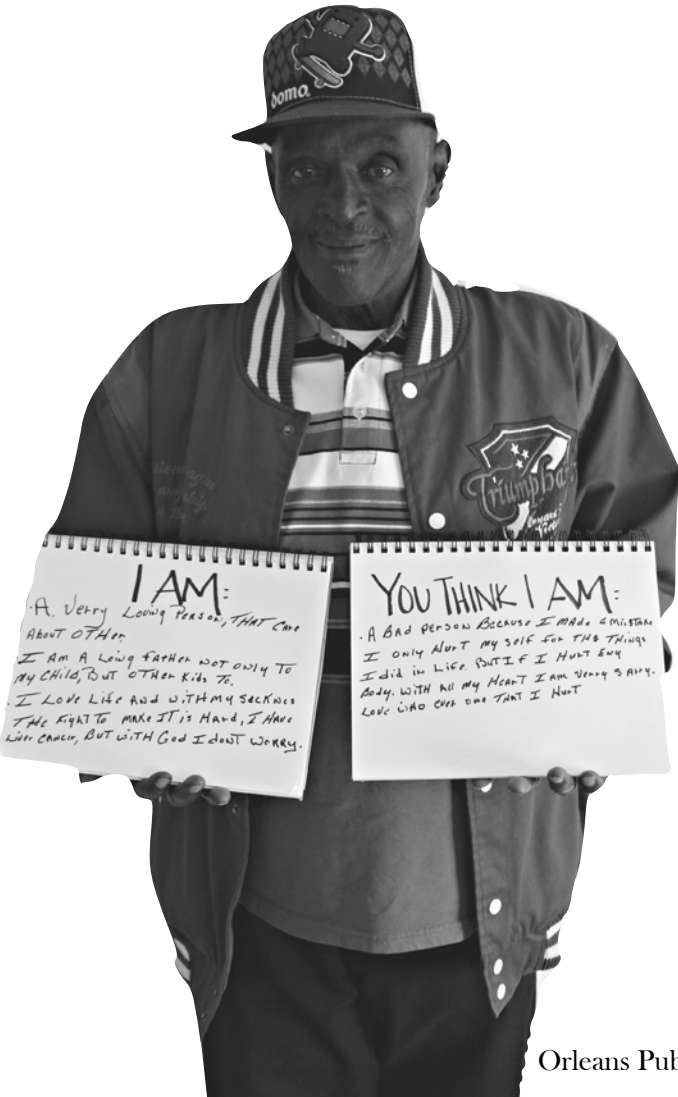
Charles Burbanks talks with a cautious smile about spending sunny afternoons at the playground with his daughter. They love to read together. But it's been a long journey; one he wasn't sure he'd escape alive.

Mr. Burbanks, 68, has spent the better part of the past two years battling cancer, high blood pressure and diabetes all while in jail on a drug distribution charge. His situation was dire. Given roughly four months to live, the race was on to get Mr. Burbanks treatment in a facility equipped to care for his needs. A jail cell was not that place.

Attorneys, social workers and Client Advocate Noelle Delfufo fought tirelessly for Mr. Burbanks's release, a feat that proved difficult, even with the support of the Orleans Parish Prison doctor who testified he was too ill to be in jail and OPP couldn't afford his treatment. Noelle didn't stop until he received the care he desperately needed.

He has since been released and is on the mend as his diabetes and high blood pressure are beginning to get under control; he still isn't receiving radiation or chemotherapy for his cancer. He's most frustrated with his treatment throughout the ordeal. "I really felt like no one cared. I had that brand as a criminal and they wouldn't help me. Still won't," said Mr. Burbanks. "But I do feel better being out of those concrete walls."

Sorry for his actions that led to his incarceration, he has been nothing short of the ideal parolee. He's committed to his future and walks a bit easier with the restraint of an ankle monitor removed. No one wants to see him back in jail; Mr. Burbanks just wants more sunny afternoons with his daughter.



BOND ADVOCACY

53% success rate
reducing excessive bonds or eliminating altogether for indigent and low-risk clients

↓ PRETRIAL DETENTION &
WRONGFUL CONVICTIONS

KEEPING CLIENTS
& EMPLOYED
FAMILIES TOGETHER

saving the city of New Orleans

THOUSANDS\$

A NEW APPROACH TO MENTAL HEALTH DEFENSE



"I WAS BLOWN AWAY BY
WHAT WAS REALLY
HAPPENING ON THE HUMAN
LEVEL. I DIDN'T KNOW
ANYTHING."

**PEOPLE
NEED TO KNOW.**

SETH WAYNE

Change is happening in mental health defense, albeit slow and incremental, but still it is happening. More can be done, but finally people have someone to answer questions and provide a sense of direction. The system is beginning to understand the difference between not guilty by reason of insanity and irrestorable incompetence and their long term effects on the individuals and the system as a whole. Thanks to Special Litigation Attorney Seth Wayne, people are no longer languishing indefinitely in state mental facilities with no hope of release.

Seth is drawing attention to the issue to ensure people don't get railroaded by the system. "Folks have essentially been shut away for years for no other reason than there wasn't someone there to be a voice." His efforts have reformed representation for the mentally ill throughout the case. "Jail has become a dumping ground. That's disgraceful."

The Toronto native and former Yale Liman Fellow, simply wanted to help people in need. He thought if he was a lawyer, he'd have some skills to do that. Seth is not only helping the most vulnerable receive the care they need, he's leading change to bring consistency and compassion to the slow-moving criminal justice system.

ALTERNATIVES TO INCARCERATION

CROSSROADS DIVERSION

68
participants

36
graduates to date

MISDEMEANOR PROSTITUTION
in New Orleans

89 days
average jail sentence

\$4,206 cost to the
city of New Orleans
per conviction

OPD spearheaded the pilot diversionary program in Orleans Parish Municipal Court for sex workers with Women With A Vision. A project of the Racial Justice Improvement Project, Crossroads Diversion launched in June with its first class.

Crossroads views sex workers not as perpetrators but as victims of abuse, trauma, economic injustice and closed opportunities. Rather than locking them in jail, the program diverts women out of the system, giving them access to social and health services, counseling and job training, and support from other women familiar with their travails as they embark on the long journey out of the sex industry.

To date, 36 women have graduated from Crossroads Diversion Program. None have been rearrested for sex work and 17 graduates continue to voluntarily utilize services offered by Women With A Vision, wholly embracing the supportive community created by, and for, the women the program serves.

MADELINE JOHNSON

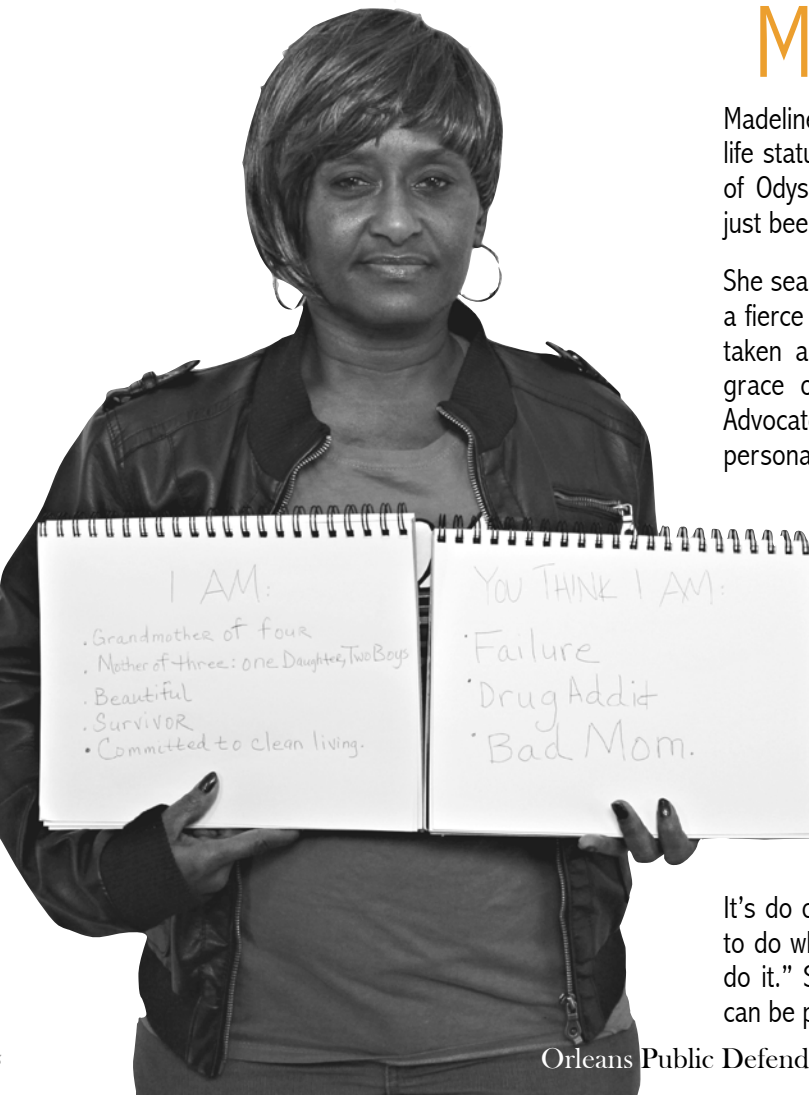
Madeline Johnson explodes with pride when asked to talk about her current life status. She is perhaps the happiest person to walk through the doors of Odyssey House, an in-patient drug rehabilitation facility where she has just been admitted to the long-term program.

She searches her soul and what she finds is no longer shame and guilt, but a fierce dedication to herself, her sobriety, her future and her family. It has taken a rock-bottom stint in jail, immense personal dedication and the grace of others to right the wrongs of her past. She credits Client Advocate Elise Benusa with changing her life once and for all. Elise personally drove her to Odyssey House, checked her in and has cheered her along ever since.

As hard as she tried to fight it, the lure of drugs was too great. The death of her grandmother, the family matriarch, sent her over the edge and the roller coaster began. "I hate that I became an addict. I fought so hard to stay away from it." She eventually ended up homeless, pregnant and hopeless.

Rehab and relapse, courtrooms and jail became her life. But even through the worst haze, a glimmer of hope remained. "I hated the drugs because they made me a different person. Deep down I knew I was something better."

It's do or die for Ms. Johnson. She says this time it's different. "I'm willing to do whatever it takes to stay clean. I need it. I want it. And I'm going to do it." She looks forward to being a mother and grandmother her family can be proud of.



ADVOCACY FIRST HAND

As a client advocate, Kareem Kennedy has a unique position within the criminal justice system. In his own words, his job is to “flesh out the client as a human being” by looking out for his client’s needs throughout the legal process and referring the client to various social services.

In the court system, Kareem, born and raised in New Orleans, encounters many people he grew up with. Often, he’ll look across the courtroom to see that his client is a former classmate in orange. Their meeting now is that of prison inmate and client advocate, but Kareem says their shared roots give him a better understanding of his client’s situation.

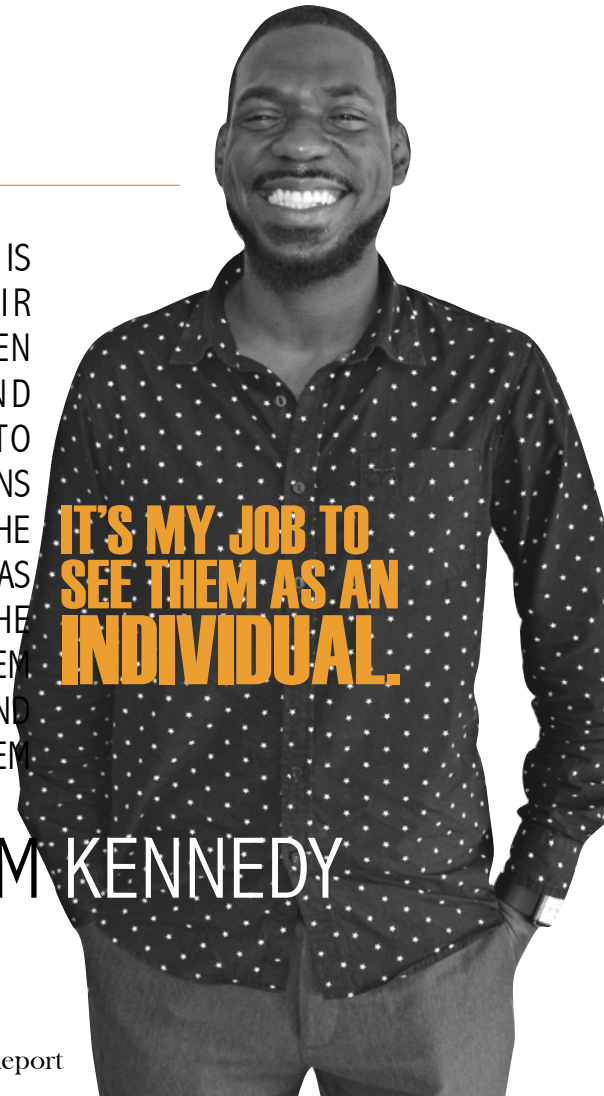
Kareem’s job is to see them as an individual, with jobs and families and aspirations. “The justice system makes you feel small sometimes.”

All the more reason he values his position assisting the most vulnerable who need all the help he can give.

“ONCE SOMEONE IS ARRESTED, THEIR IDENTITY IS TAKEN FROM THEM AND BROKEN UP INTO DIFFERENT VERSIONS OF THEMSELVES: THE COURT SEES THEM AS A DEFENDANT, THE SHERIFF SEES THEM AS AN INMATE, AND THE POLICE SEE THEM AS A SUSPECT.”

**IT'S MY JOB TO
SEE THEM AS AN
INDIVIDUAL.**

KAREEM KENNEDY





Change on the Ground | 2014

12,022

days saved due to overdetention

33 years of incarceration

clients **23**

\$568,160

savings to the state of Louisiana*
in 2014 alone

*2011 OIG OPSO report per diem

EVERY CASE AND EVERY TRIAL BEGINS WITH A STORY. THE ART OF STORYTELLING IS AT THE CORE OF BEING A PUBLIC DEFENDER. BUT THE STORY BEGINS WITH INVESTIGATION. IT'S THE INVESTIGATOR WHO GOES INTO THE FIELD AND DESCRIBES THE SCENE. IT'S THE INVESTIGATOR WHO FINDS THE CHARACTERS. MOST IMPORTANTLY, **IT'S THE INVESTIGATOR WHO GIVES THOSE CHARACTERS A CHANCE TO TELL THEIR STORY.**

John Sullivan and Sandra Levick



Photo by Ben Sullivan, former OPD investigator and namesake for the Ben Levick Sullivan Investigator Fellowship.

ADVANCING THE FIELD OF INVESTIGATION



“THIS HAS A BIGGER,
MORE DIRECT IMPACT
THAN ANYTHING I’VE
DONE. WHAT WE DO IS
SO VERY IMPORTANT.”

**I WANT IT
ALL TO BE FAIR.**

SARA JONES

Ben Levick Sullivan was passionate about his work and his clients as a staff investigator at OPD. While in law school, Ben died tragically in a car accident. Ben’s spirit and legacy live on through an investigator fellowship created and named in his honor.

As the inaugural fellow, Sara Jones has finally found her calling. She wanted to have a direct impact in the lives of those most in need and the fellowship puts her at the epicenter of the most disenfranchised.

Sara previously worked for a juvenile offender alternative to incarceration program in South Carolina. Her experience working with vulnerable teenage girls led her to her work at OPD today. She scrapped her Ph.D plans and followed her heart.

“My mom used to tell me that life’s not fair. I indignantly replied that that wasn’t fair. I want it all to be fair.”

While she knows the injustices commonly faced by the poor and indigent, she has a difficult time accepting the blatant biases of the criminal justice system. It makes her angry. That anger drives her to continue even when the job weighs heavy, because in the end, she does make a difference, even if the system isn’t always fair. Ben Sullivan felt exactly the same.

BARRY SHELTON

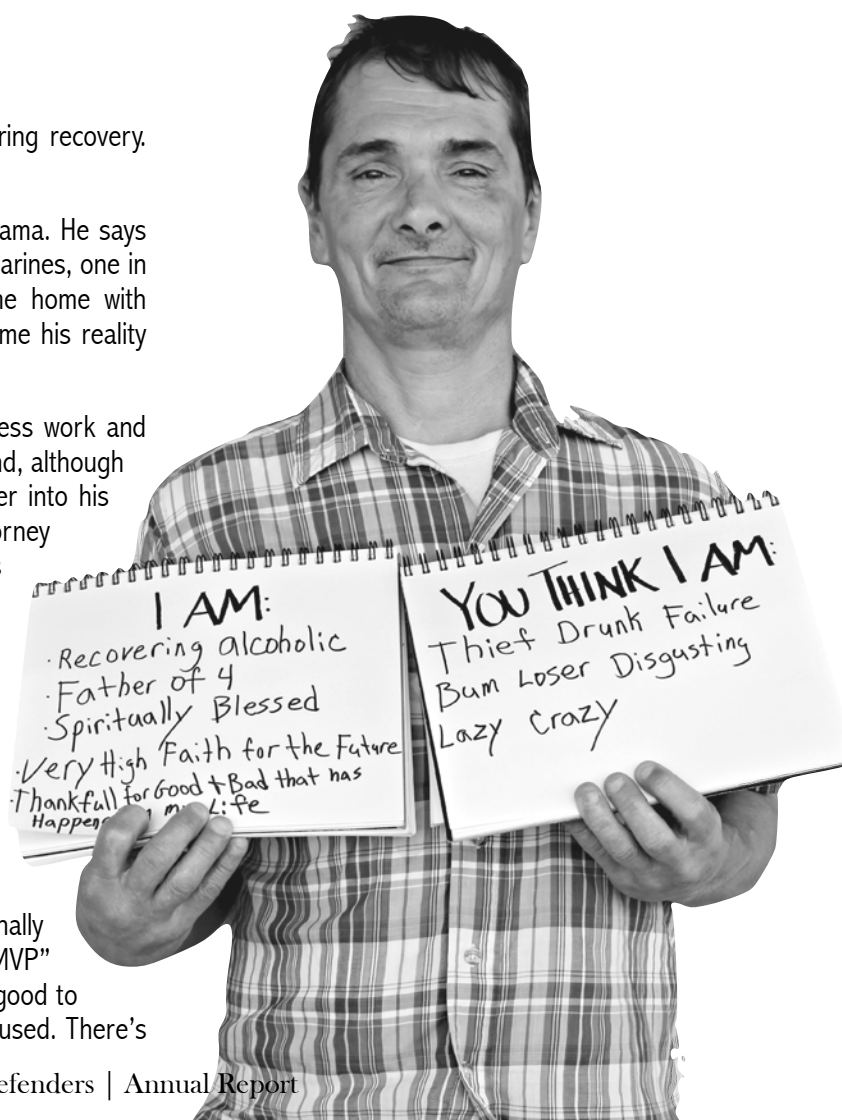
Barry Shelton is surprisingly not angry, even when expected during recovery. The former Marine has no time for what he calls a useless feeling.

His vicious relationship with alcohol began as a teenager in Alabama. He says it's just what people did on the weekend. His two tours with the Marines, one in Grenada, another in Panama, didn't help the situation. "I came home with terrible PTSD and the alcohol helped numb the pain." This became his reality for the next two decades.

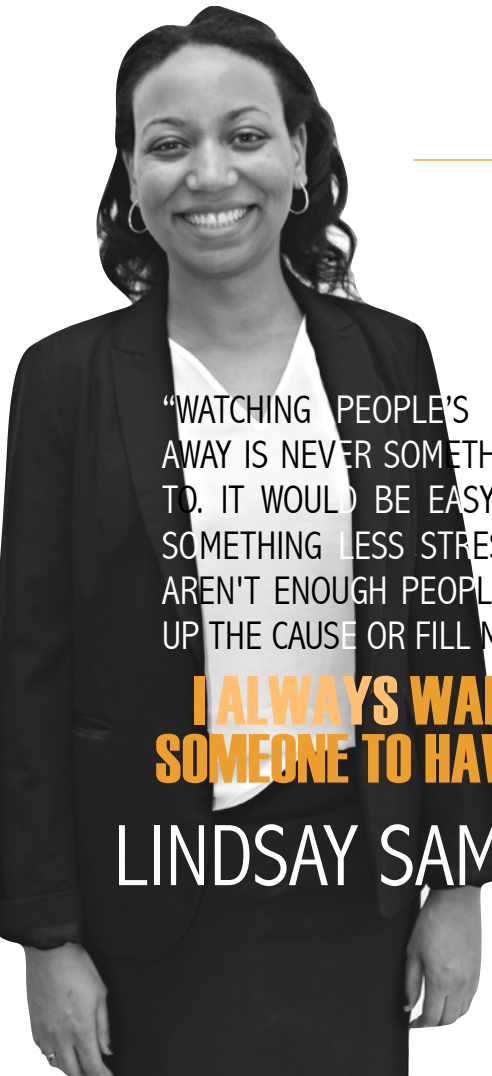
A move to New Orleans in 2009 in search of work turned up less work and more alcohol, eventually landing him homeless. He wanted help and, although he cycled in and out of rehab, his stints in jail drove him further into his addiction. Enter Client Advocate Brenna Holland and Staff Attorney Max Gumina. Through their advocacy in court, and Brenna's dogged persistence, he was admitted to local rehabilitation center, Bridge House. Mr. Shelton is finally out of the criminal justice system, off the streets and on the road to recovery.

Like hundreds in the criminal justice system, Mr. Shelton found stability and sobriety in treatment programs, not inside the walls of a jail cell.

Mr. Shelton is well on his way to the life he's desperately wanted. His goals include reconciling with his family, a return to commercial truck driving and giving back to the program that finally got him on the right track. The recent distinction of "group MVP" makes his hard work and dedication that much sweeter. "It feels good to be recognized, but I can't let it go to my head. I have to stay focused. There's too much to lose now."



DEFENDER DIALOGUE



“WATCHING PEOPLE’S LIVES GET TAKEN AWAY IS NEVER SOMETHING YOU GET USED TO. IT WOULD BE EASY TO QUIT AND DO SOMETHING LESS STRESSFUL, BUT THERE AREN’T ENOUGH PEOPLE WILLING TO TAKE UP THE CAUSE OR FILL MY SPOT.”

**I ALWAYS WANT
SOMEONE TO HAVE A CHANCE.**

LINDSAY SAMUEL

Staff attorney Lindsay Samuel talks about the impact the film *The Farm* made on her as a fifth grader in Baton Rouge. She remembers thinking, “I have to help that man.” Her passion for social justice, and the underdog, was officially ignited.

Law school solidified that passion, but it was the wise words of her dentist that brought her back home. “Louisiana needs people like you.” It’s messy work, she says. “You keep doing it even when the outcome isn’t what you hoped.” The hardest part of Lindsay’s job is looking through the fog and pushing forward. But she’s adamant about the dedication required. “You can’t just show up.”

“I owe it to my clients to have all the information I can and do everything in my power. It’s not right to not do one more jail visit, one more appeal, or file that one more motion.”

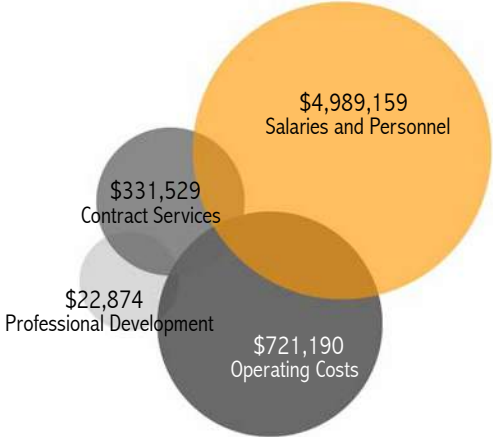
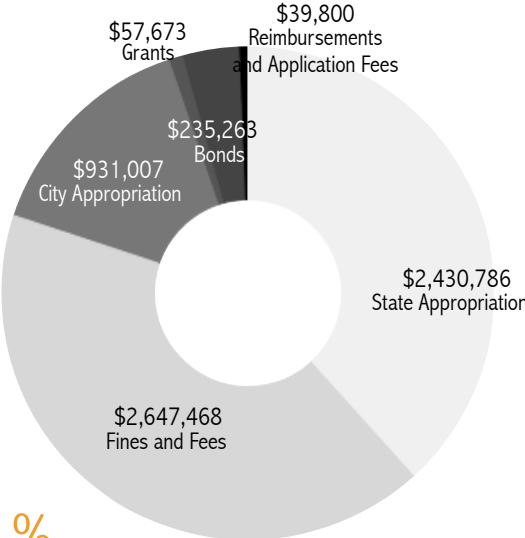
Her passion may keep her up at night and the responsibility weighs heavy on her shoulders, but she wouldn’t have it any other way. Her clients know she’s there to fight for them, and the justice system is better because of that fight.

MONEY TALKS

OPD is funded by a combination of state and city appropriations, fines and fees, fellowships and grants. Yet, resource disparity glares brightly within our criminal justice system. Louisiana's perverse user-pay system leaves funding for public defense unstable, unreliable and inadequate in New Orleans and across the state.

DOLLARS AND CENTS

\$6,348,463 revenue & \$6,085,116 expenditures



41%
dependence on fines & fees

GRANTS AND FELLOWSHIPS

For another year, OPD saw reduced budgets and appropriations, a greater dependence on fines and fees and even more resource disparity with other criminal justice entities. Unstable, unreliable and inadequate revenue sources remain the greatest threat to OPD and public defense in New Orleans.

While OPD represents 85% of all defendants in Orleans Parish courts, we operate with just over one-third* of the district attorney's budget, whose local appropriation is nearly six times OPD's. However, thanks to the generosity of grant funders and donors - including John Sullivan and Sandra Levick and the ABA-DOJ Racial Justice Improvement Grant - as well as utilizing fellowships in every division of our practice, we are able to continue expanding our community-oriented defense practice.

2014 LAW FELLOWSHIPS

- YALE LIMAN FELLOWSHIP
- COLUMBIA PUBLIC INTEREST FELLOWSHIP
- GEORGETOWN SOCIAL JUSTICE FELLOWSHIP
- GIDEON'S PROMISE PUBLIC DEFENDER CORPS
- BEN LEVICK SULLIVAN INVESTIGATOR FELLOWSHIP



**OPEN SOCIETY
FOUNDATIONS**



**GIDEON'S
PROMISE**
Strengthening Public Defenders
Transforming Public Defense



CITY OF NEW ORLEANS
Mitchell J. Landrieu, Mayor



**GREATER NEW ORLEANS
FOUNDATION**
For a vibrant region.

*2014 proposed New Orleans budget



We are the everyday witnesses to the ordinary **injustices** happening across the country and each day in New Orleans. We have the opportunity to **shout from the dark** when people are listening.



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