

ORLEANS PUBLIC DEFENDERS

CLIENT
SERVICES
DIVISION

**2020
ANNUAL
REPORT**



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OVERVIEW

The Client Services Division (CSD) of the Orleans Public Defenders Office (OPD) supports a holistic, client-centered practice through a combination of legal, social, and practical support.

CSD consists of three practice focuses: Pre-Trial, Alternatives to Incarceration, and Re-Entry and provides 360 degrees of support beginning immediately after arrest. Social Workers and Client Advocates identify and address the collateral issues contributing to system interaction by connecting clients to community and social services, creating mitigation defense, and advocating for client safety, language access, case management, housing and job training, and more.

OPD clients are referred to CSD when an attorney determines their client requires social services. An exhaustive needs assessment is given to determine issues and concerns, and the client is then assigned within CSD based on capacity and those specific needs. Advocates and social workers understand the legal process and work closely with the defense team to incorporate social services into legal strategies.

The early stages post-arrest are often the most critical in identifying additional social needs, advocating for appropriate medical and mental health care, and creating mitigation reports with the hopes of eliminating incarceration. This is often when CSD carries out its crucial bond advocacy work. For clients who remain incarcerated, the CSD team provides practical and emotional support.

The Alternatives to Incarceration and Re-Entry teams are an initiative of the Justice Reinvestment Initiative and work to prevent incarceration and support people returning to the New Orleans community from extensive prison involvement.

In 2020, CSD was forced to adapt like the rest of the world to the COVID-19 pandemic. CSD adjusted its practice as the city entered a lockdown and the Orleans Justice Center became a hotspot, making our clients some of the vulnerable people in New Orleans. With the Criminal Court closing in March, the legal system halted, but arrests continued. CSD continued to advocate for clients' release and offered a continuum of care once released into the community. Over the course of this pandemic year, CSD worked on 651 cases, advocating for 633 clients.

2020 in Numbers



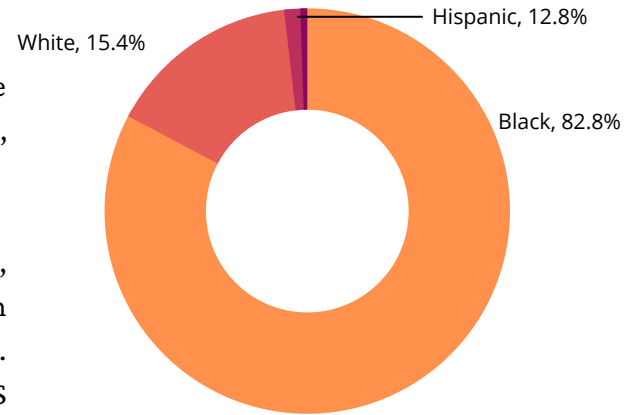
Demographics

The vast majority of CSD clients in 2020 identified as male and were between the ages of 25 and 42. They all qualified for a public defender, making their socioeconomic status within the lowest percentile.

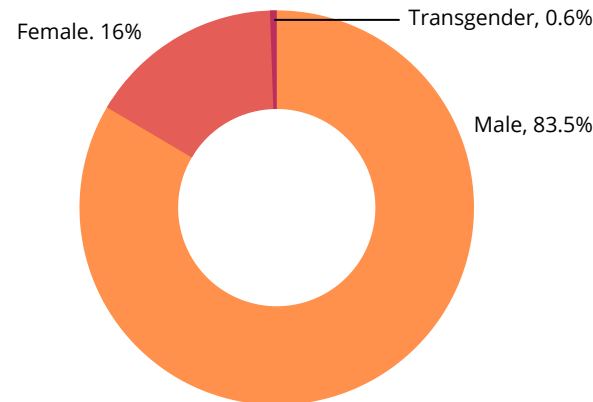
African Americans were significantly overrepresented within our cases, reflecting the known local and national statistics: Black men and women are incarcerated more than 5 times the rate as white men and women. Nearly 83% of CSD clients were Black, compared to the most recent US Census data showing just 59% of New Orleans residents are Black.

Unfortunately, CSD's race and gender data face limitations in accurately representing our clients' identities. From our Needs Assessments, we know that at least three clients this year identified as transgender. But unless self-identified, our data comes directly from the Orleans Parish Sheriff's Office (OPSO), which does not track clients' gender identity. Similarly, most of CSD's data on race comes directly from OPSO, which tends to under-count other minority racial groups, such as Asian and Hispanic.

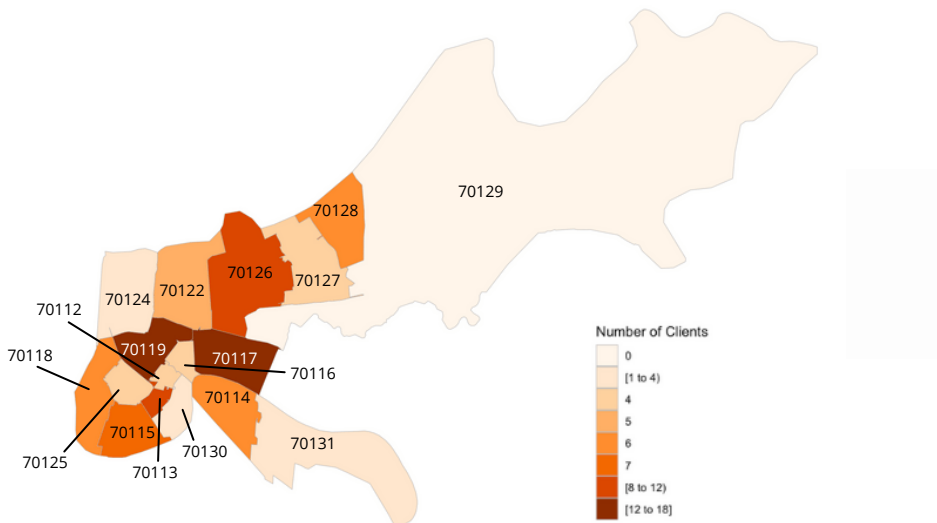
Race



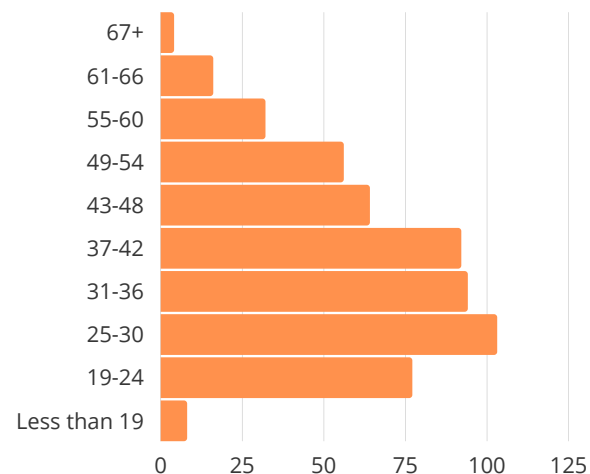
Gender



Client Address by Zip Code*



Age

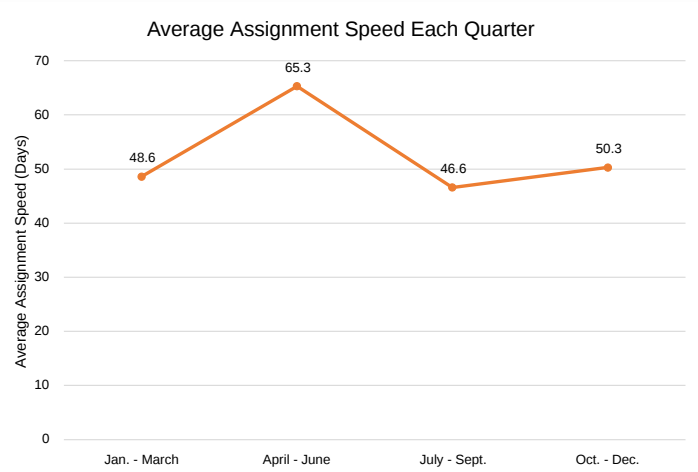


*From Needs Assessments in the second half of 2020, each zip code region is colored to correspond to the number of CSD clients who reported to be from that area from July - December 2020.

OVERVIEW

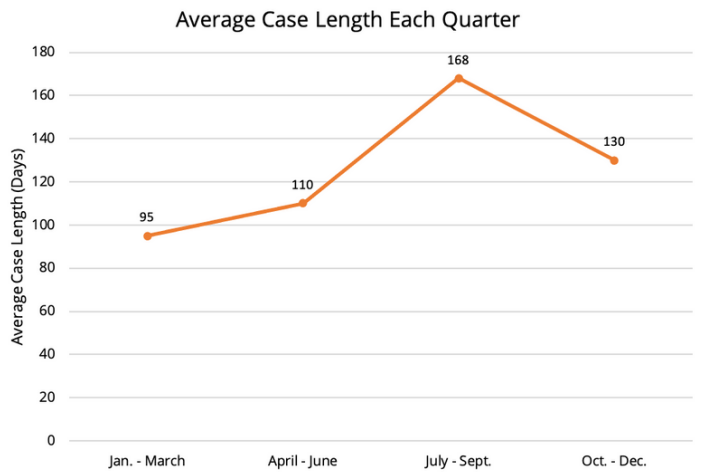
Assignment Speed

Throughout 2020, an average of **53.7 days** elapsed between the time a client was arrested and booked into the Orleans Justice Center, and when they were referred to CSD by an OPD lawyer. The following chart shows the average assignment speed of all **closed** cases from each quarter of 2020.



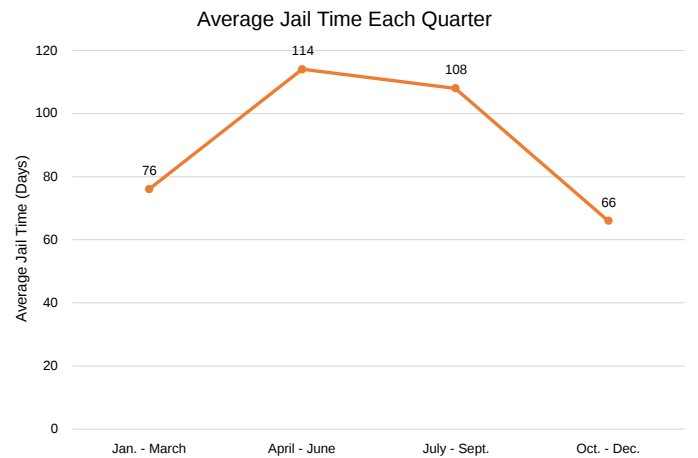
Case Length

CSD advocates **closed 383 cases** in 2020. This graph shows the average time a case was open in each quarter of 2020. The 2020 year-long average for length of **closed** cases was **126 days**.



Incarceration Length

This graph shows the time spent in jail by CSD clients whose cases were closed during each quarter in 2020. The average incarceration time was **96 days**. Not represented here are the number of clients who were either **still in jail** or serving DOC sentences when their CSD cases were closed; this year, **63 clients** fit that description.



NEEDS ASSESSMENTS

OPD is appointed to represent people determined to be indigent by the court, meaning they live near or below the poverty line and cannot afford an attorney. Locally, 85% percent of people who enter the criminal legal system meet this criterion and are represented by OPD. OPD takes a further look into clients referred to CSD through a pre-trial needs assessments that capture information about a person's socioeconomic status and medical background. These assessments are used to gather information about CSD's clients to inform the CSD team to develop case plans.

Nationally, people in contact with the legal system make \$16,000 on average before arrest. System interaction further jeopardizes their social and economic stability, putting them at risk of losing employment and/or housing.

These statistics remain true for CSD clients. Three-quarters of clients reported being unemployed. Of the remaining one-quarter of clients who were employed, nearly half feared losing their job because of their system interaction.

Housing insecurity is one of the most prevalent and continuous concerns of our clients. Almost 40% reported being houseless or relying on a local shelter.

These high rates of housing insecurity and unemployment clearly illustrate some of the most significant collateral consequences of the criminal legal system. The Prison Policy Initiative reports that people who have been incarcerated just once, experience homelessness at a rate nearly 7 times greater than the general public. Formerly incarcerated people are nearly 5 times higher in unemployment rates than the general US population. 81% of CSD clients reported a history of incarceration.

Housing



- **39%** reported experiencing homelessness at the time of arrest

Employment and Education



- **74%** reported being unemployed at the time of arrest
- Of those clients who were employed, **44%** reported their employment to be at risk because of their arrest
- **50%** reported having at least a high school diploma or GED

Social Benefits



- **67%** reported being on Medicaid
- **21%** reported receiving Supplemental Nutrition Assistance Program benefits (SNAP)
- **19%** reported receiving Supplemental Security Income (SSI)

NEEDS ASSESSMENTS

Substance Use and Mental Health

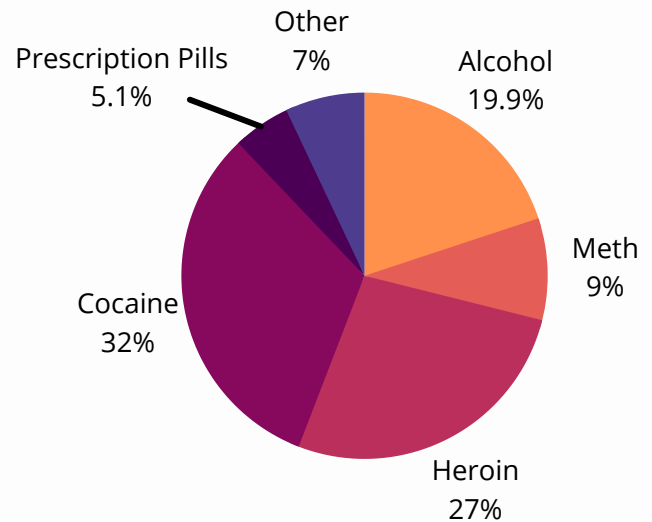
The majority of our clients face challenges with mental health, substance use, and many times both. These needs are best met in supportive, community health environments, but unfortunately, remain identified and addressed within the criminal legal system.

More than half of clients reported having a history of problematic substance use. Cocaine and heroin addiction are the most frequently reported. Additionally, more than half of clients reported having a mental health diagnosis, with bipolar, depression, and Schizophrenia being the most prevalent.

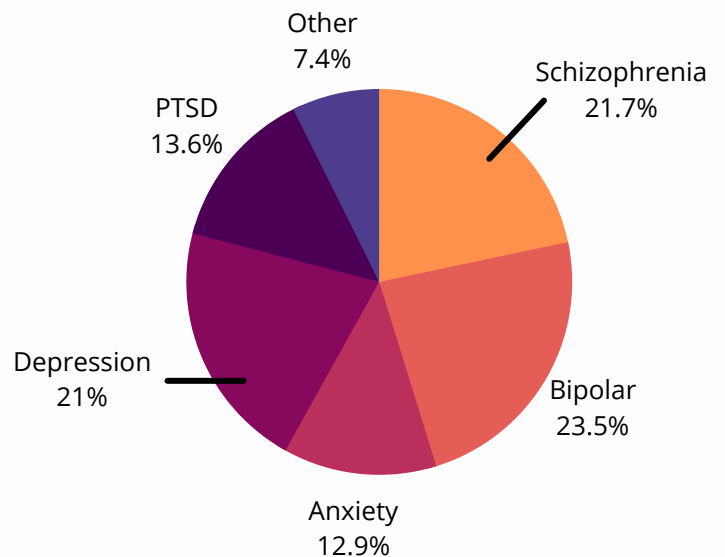
We often see co-occurring disorders, which are the presence of both a mental illness and a substance use disorder. These are particularly challenging to obtain the appropriate services and care. More than a third of our clients reported having a dual diagnosis.

The National Association of Mental Illness found that people with mental illness are more likely to engage law enforcement than receive appropriate medical attention. At best, this does not address the immediate medical issues, and at worst, results in deadly interaction with law enforcement, as we saw in Lafayette with the tragic police killing of Trayford Pellerin. Unfortunately, local and national decision-makers continue to treat substance use as a criminal issue rather than a public health one, and supportive medical facilities for mental health are critically limited.

Common Substances of Use*



Common Mental Health Diagnoses*



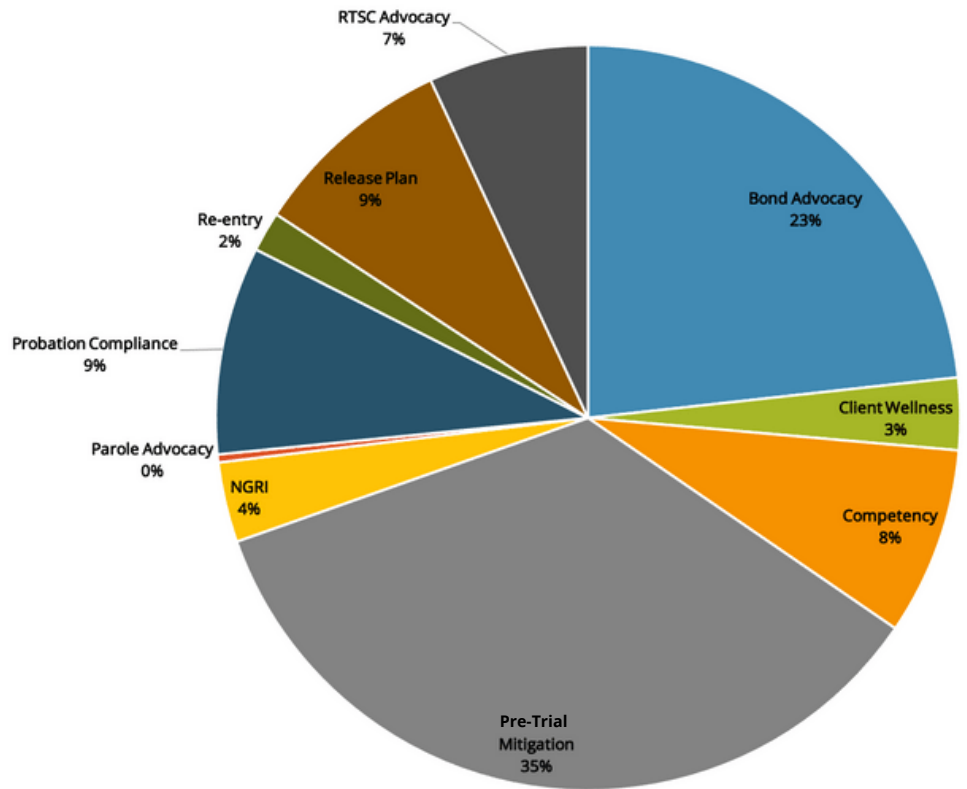
*Percentages based on lists of substances and conditions, with clients being counted multiple times if they reported multiple substances/diagnoses.

LEGAL OBJECTIVES

Cases referred to CSD come with at least one legal objective which describes the legal context in which the advocate is working. In 2020, CSD worked toward **576 legal objectives**. The following table shows each of these objectives and their frequency.

In 2020, Pre-Trial Mitigation was the most commonly assigned legal objective for CSD cases. This work involves general legal and social advocacy supporting clients as they fight their legal case before sentencing. This includes but is not limited to service planning and fulfillment, record collection, and practical support in the community.

Over a third of all legal objectives explicitly require a CSD service plan to advocate and secure a client's release. This includes Bond Advocacy, Release Planning, and Probation Revocation hearings (RTSC).



Bond advocacy is CSD's common legal objective when directly working to secure a client's release, making up 23% of CSD's legal objectives. More information about this objective and the work surrounding it can be found in the Bond Advocacy section of this report.

Nearly 10% of CSD objectives involve probation compliance and are primarily executed by our ATI team. These cases involve supporting clients while they work to stay in compliance with their varied probation requirements. If a client is at risk of having their probation revoked and face potential prison time, CSD provides Probation Revocation Advocacy (RTSC - 7%) by offering the court mitigation and a service plan as an alternative to incarceration.

Over 10% of CSD legal objectives include cases where mental health is the primary factor in someone's legal case. These cases are represented in our competency cases (**8%**) and Not Guilty By Reason of Insanity (NGRI) (**4%**). These numbers do not reflect the number of clients that identify as having a mental health diagnosis (see Needs Assessments). These cases require our CSD social workers to conduct specific mental health evaluations and collect extensive mitigation to communicate how mental health contributes to their legal case.

CASE OBJECTIVES

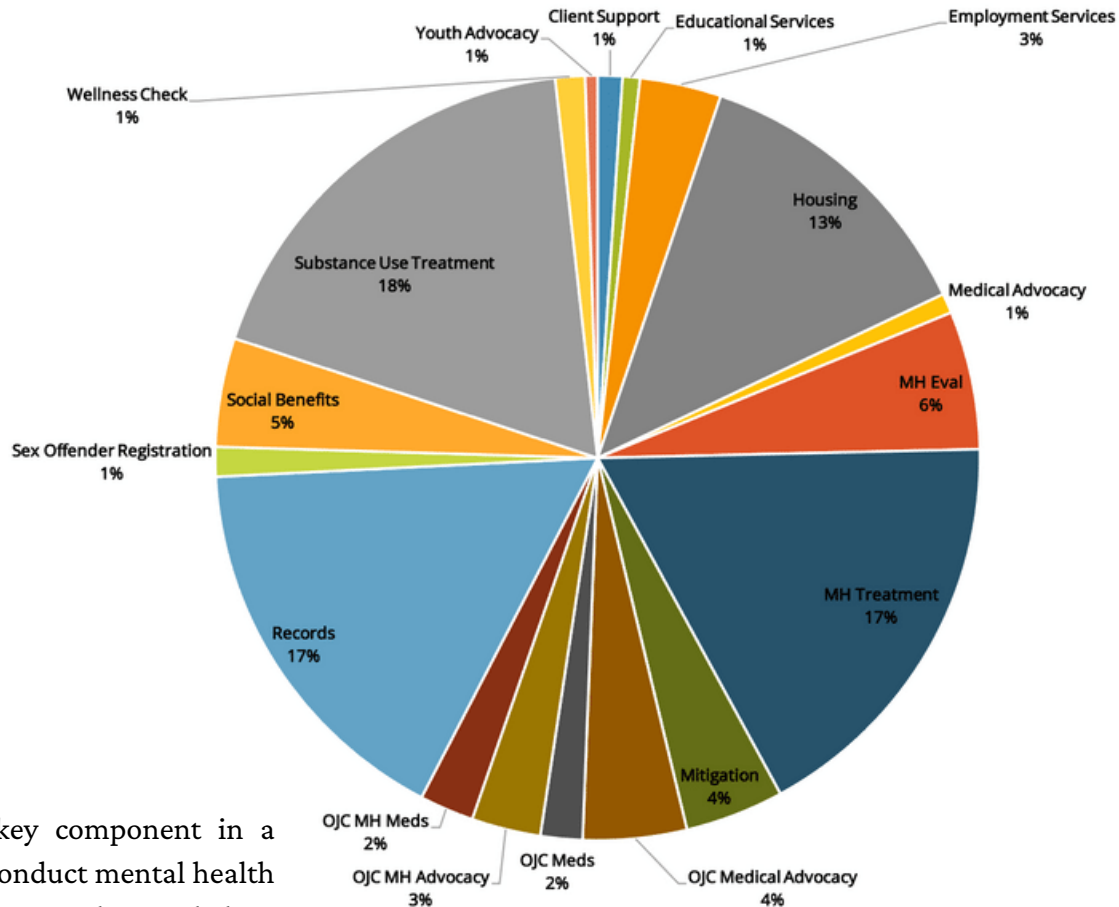
CSD worked towards 969 case objectives in 2020. A case objective identifies the type of advocacy the CSD carries out to assist with our client's social and legal needs. This advocacy involves linking clients to social services in and around New Orleans that can address their needs; it also involves monitoring and advocating for clients that are incarcerated at the Orleans Justice Center, including case specific objectives and practical support.

In 2020, CSD's top three social service objectives requested included linking clients to substance use treatment, mental health treatment, and housing.

Additionally, a significant portion of CSD cases involved collecting medical, employment, and education records to support mitigation or for continued treatment.

One of the most important objectives for those still in jail was advocating for better medical and mental health treatment from the staff at the Orleans Justice Center.

When mental health plays is a key component in a client's case, CSD's social workers conduct mental health evaluations and help attorneys better understand their client's behavior to develop a more informed case strategy.



Top 3 Case Objectives

174

Cases sought to get clients substance use treatment

167

Cases involved getting clients mental health treatment

159

Cases involved collecting client records for mitigation

BOND ADVOCACY

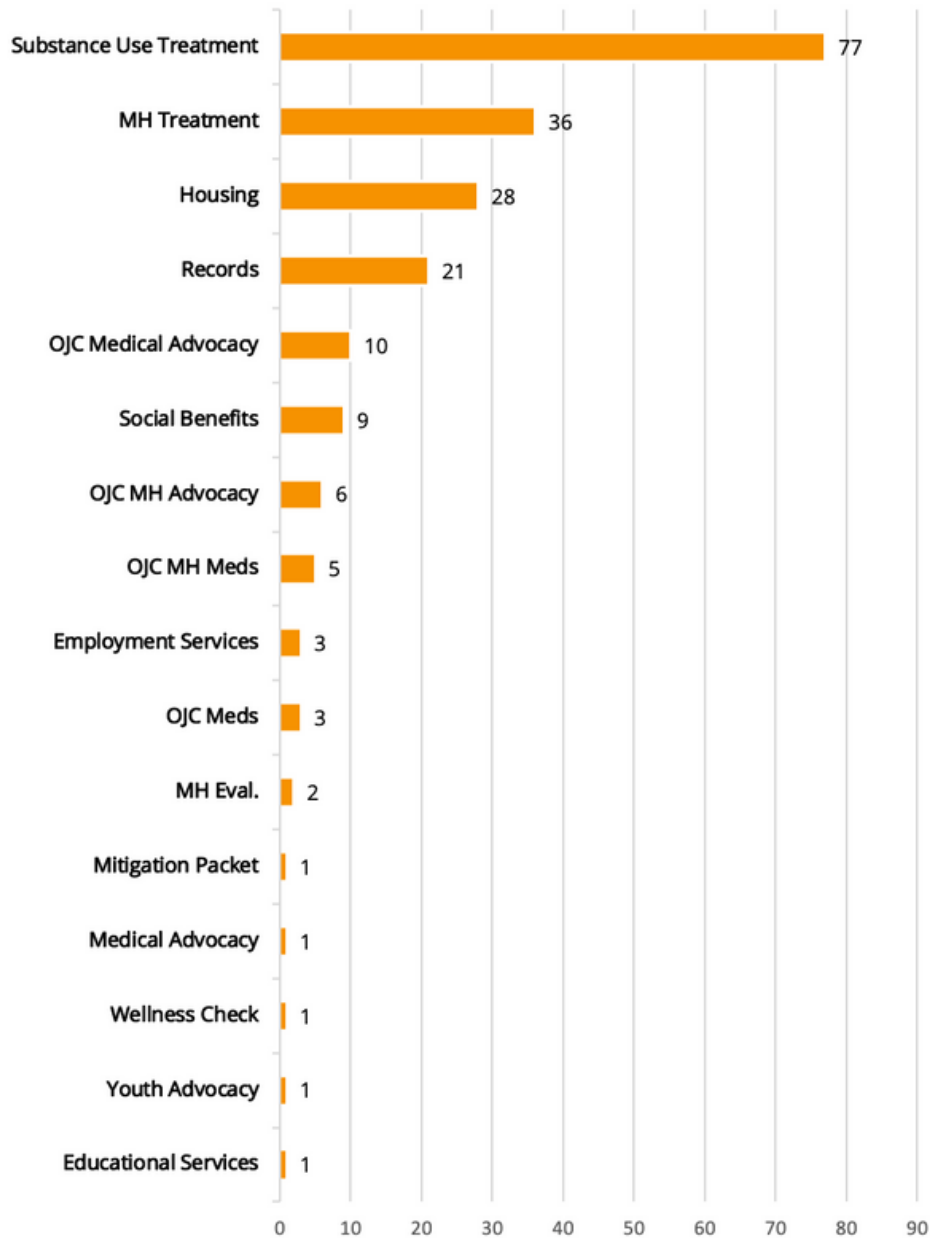
Bond advocacy is CSD's most common legal objective when directly working to secure a client's release, making up 23% of CSD's legal objectives. This chart shows which case objectives were assigned when a case included the legal objective of bond advocacy. This collection of objectives generally shows what avenues CSD advocates pursue when a client cannot afford to be released on bond.

These objectives occur when a client cannot pay an initial money bond set by the court, and remain incarcerated. CSD attempts to mitigate the harm of this practice (e.g., loss of a home, employment, and issues with child care) by proposing a service plan in lieu of a bond. CSD then works with the client to fulfill the identified case objectives.

This year, 116 CSD cases involving Bond Advocacy in Magistrate Court, with an average of **12.3 days** between booking and assignment to CSD. Of the clients who had this objective, 15 were still incarcerated at the end of the year, and those who were released spent an average of **43.9 days** in jail. The average bond for this type of case was **\$8,692**.

A plurality of these cases involved **substance use treatment** objectives, as lawyers and advocates often form release plans for clients arrested on drug charges to be released to substance use treatment in lieu of incarceration.

Bond Advocacy Case Objectives



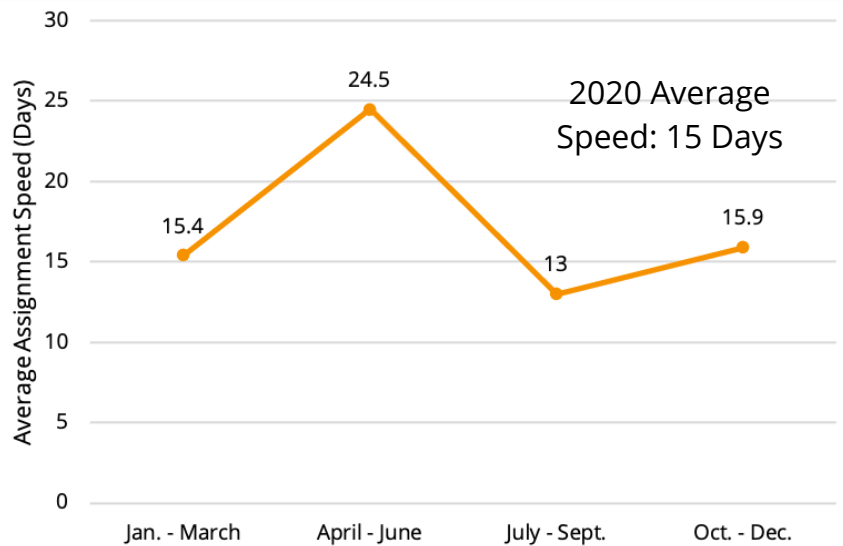
WHEN BOND IS SET AT \$10,000 OR LESS

Almost a quarter of all CSD cases this year involved clients incarcerated on less than a \$10,000 bond with no probation/parole holds or warrants. These cases are significant because with bond company payment plans, it is estimated that they would only require the client to post about \$500 or less for release. When these clients are incarcerated, this is an indication that they remain in jail only because they are too poor to pay. Reducing the client's bond is often a priority in such cases -- **52%** of all legal objectives in this category were bond advocacy objectives.

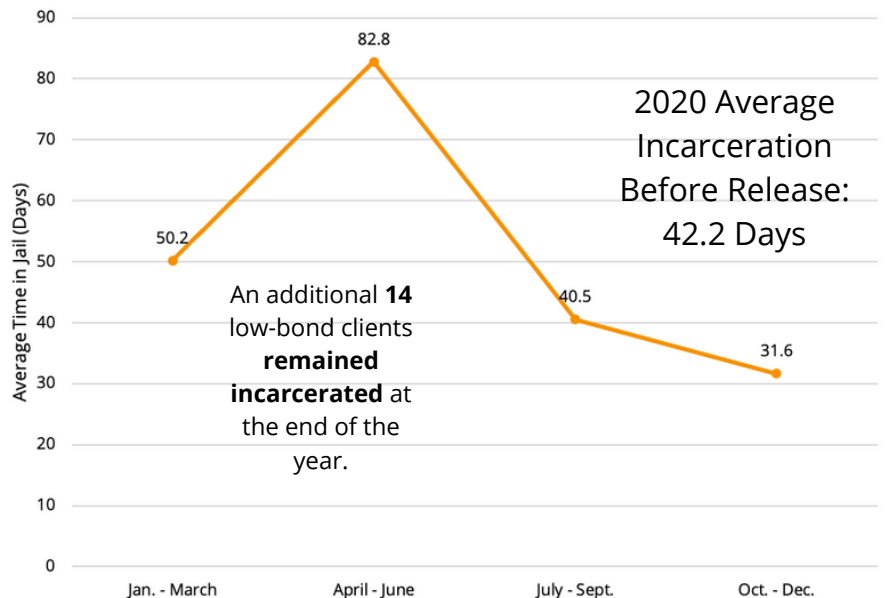
In 2020, **127 cases** fit this description. To the right are some statistics on the "less than \$10,000 bond" cases in which the client was incarcerated upon referral. As the graphs show, there is a **strong correlation** between assignment speed and jail time -- the sooner CSD received these case referrals each quarter, the quicker they were able to help get them out of jail. In April through June, CSD experienced major delays in referrals for bond advocacy cases due to the start of COVID-19 and court closures and resulted in people spending more time in jail for this type of case. It should be noted, that Bond Advocacy, is not the only approach an attorney can take to secure their clients release after a bond is set.

The quarterly averages come from **closed cases in that quarter**, while the yearly averages come from **all cases** in 2020.

\$10,000 Bond or Less -- Assignment Speed Per Quarter



\$10,000 Bond or Less -- Jail Time Per Quarter



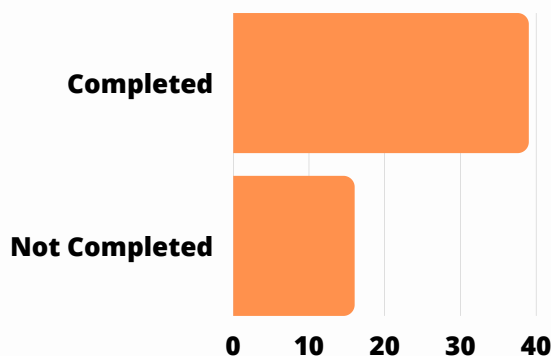
OUTCOMES

LEGAL OBJECTIVE OUTCOMES

Some legal objectives exist to guide and inform the work of CSD staff, but others serve as clear objectives. The following charts show the rate at which CSD staff completed the outcome-based legal objectives this year. CSD only began tracking objective outcomes in July of 2020, so this data comes **only from cases which were in the last six months of 2020**.

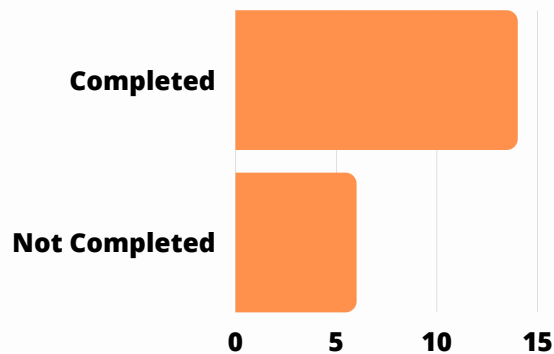
Bond Advocacy

CSD completed a total of 39 bond advocacy objectives in the second half of 2020. Of the successful bond advocacy objectives, 29 occurred in magistrate court, while 10 occurred post-arraignment.



Probation Compliance

When advocating to help clients comply with probation requirements, advocates were successful in over 50% of cases.



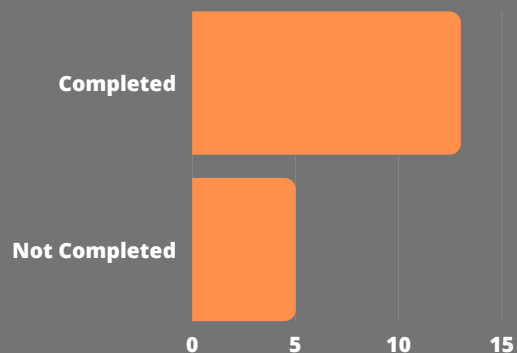
Rule to Show Cause

When helping clients and lawyers prepare for RTSC hearings -- usually a hearing to determine whether probation will be revoked -- 60% cases had successful results.



Release Plan

When crafting release plans to advocate for clients to be released from jail to treatment or supervision, clients were released in accordance with the plan in almost 75% of cases.



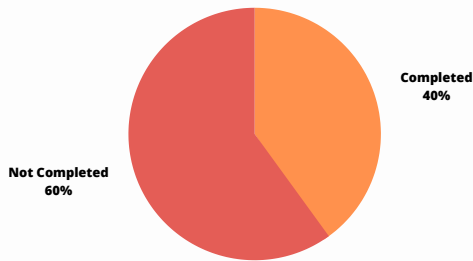
OUTCOMES

CASE OBJECTIVE OUTCOMES

The following charts show the rate at which CSD staff completed each case objective in the second half of 2020 -- once again this data comes only from cases closed in the **from July to December of 2020**.

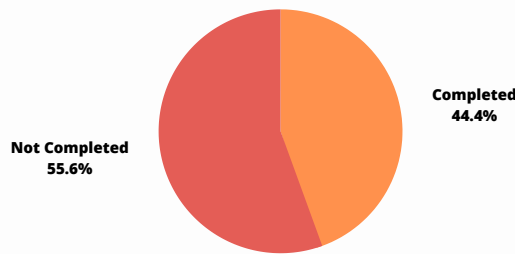
Employment Services

When working to connect clients with job opportunities or job training programs, 4 of 10 objectives were completed.



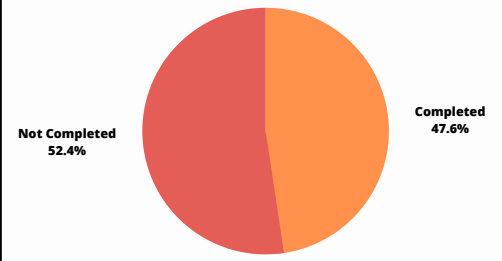
Housing

Housing objectives were completed in 20 of 45 cases. **Of those not completed, 3 were not completed because the client was not released from jail**, otherwise there was a 47% completion rate.



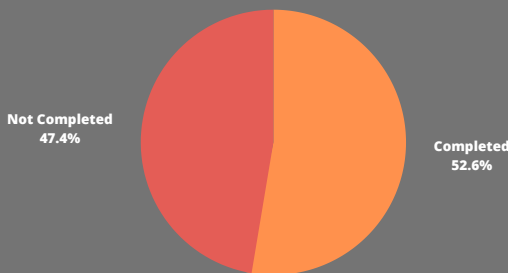
Mental Health Treatment

For MH Treatment objectives, 30 of 63 were completed. **Of those not completed, 7 were not completed because the client was not released from jail**, otherwise there was a 53% completion rate.



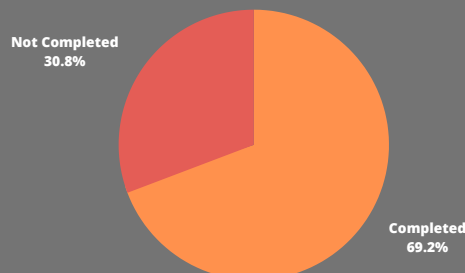
Social Benefits

When connecting client to social benefits, 10 of 19 objectives were completed. **In 1 of these cases, the client was not released from jail**, otherwise there was a 56% completion rate.



Substance Use Treatment

For substance use treatment, 45 of 65 objectives were completed. **Of the uncompleted objectives, 2 were not completed because the client was not released from jail**, otherwise there was a 71% completion rate. **Among those who entered treatment, 15 clients reported successfully completing treatment.**



Less Frequent Case Objectives:

- **Mitigation:** 7 of 10 of objectives completed
- **Sex Offender Registration:** 1 of 5 objective completed
- **Educational Services:** 1 of 2 objectives completed
- **OJC Advocacy:** 18 of 26 objectives completed
 - **Medical Advocacy:** 7 of 11 objectives completed
 - **Medication Advocacy:** 2 of 3 objectives completed
 - **Mental Health Medication Advocacy:** 2 of 3 objective completed
 - **Mental Health Advocacy:** 7 of 9 objectives completed

OUTCOMES

JAIL TO TREATMENT

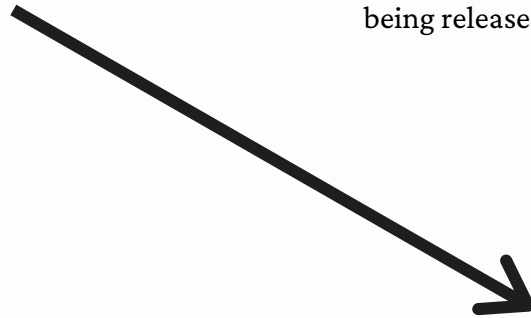
Of particular interest are the clients who were **released from jail directly to substance use treatment** at the permission of a judge. These clients theoretically could have avoided incarceration entirely by going directly to treatment after arrest, rather than being needlessly kept in jail until OPD attorneys could convince a judge that they were better off in treatment.



Among cases closed in 2020, **70** clients were incarcerated at OJC before being released to treatment for a total of

3,525 days in jail, or over 9.5 years.

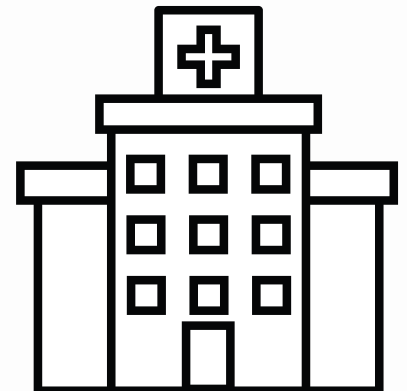
They spent an average of **55 days** in jail before being released to substance use treatment.



According to an estimate from the 2016 Vera Institute for Justice report, "Past Due," the marginal cost of incarcerating someone at OJC is about \$33 per day. That means that in 2020 alone, the city of New Orleans could have saved about

\$116,325

by skipping incarceration and sending these clients directly to treatment.



REFERRALS

CSD made **219** client referrals to **59** different organizations and services this year. CSD has working relationships with several substance use treatment centers, as well as housing assistance programs, mental and physical health providers, and more.

These are some of CSD's community partners:



Social Benefits

CSD also successfully connected clients with government social benefits on **39** occasions in 2020. These successes included **1** birth certificate retrieval, **2** State ID's obtained, **13** Medicaid enrollments, **2** Medicare enrollments, **1** Permanent Supportive Housing enrollment, **4** Social Security enrollments, **3** unemployment enrollments, and **12** SNAP enrollments.

ALTERNATIVES TO INCARCERATION UNIT

The Alternatives to Incarceration (ATI) and Re-Entry Units are part of our larger Re-Entry work. Funded by the Justice Reinvestment Initiative Community Incentive Grants, the project encompasses incarceration alternatives, reentry support, and civil legal assistance.

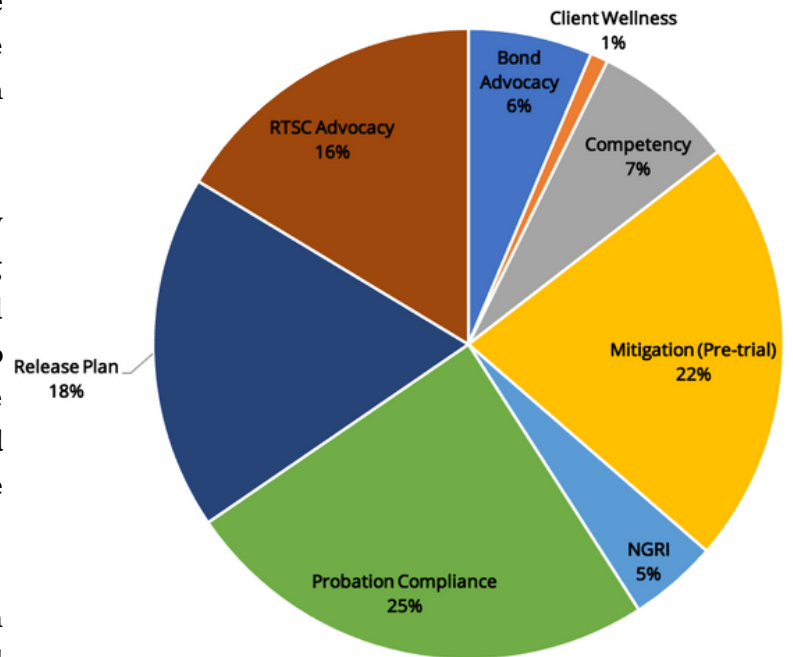
The ATI team reduces entrance into DOC custody by advocating for incarceration alternatives, including treatment and social services, community support, and other critical needs. While this work is very similar to that of the Pre-Trial advocates and social workers, there is significantly more advocacy and support toward probation compliance and individualized pretrial release plans.

A large part of ATI's work is Pre-trial Mitigation, which requires an ATI social worker to collect a client's social history, establish community support, and/or develop a comprehensive service plan. This work allows an attorney to have enough mitigating information to make an argument to the court to provide social support and services as an alternative to a prison sentence.

The ATI team also takes on probation advocacy and support. Often, these cases involve Rule to Show Cause (RTSC) advocacy and occur when a client is at risk of having their probation revoked and face prison time. When assigned to an RTSC case, an ATI social worker prepares a service plan to present to the court at the RTSC hearing. If the judge does not revoke a client's probation and opts for the service plan, the ATI social worker will work with the client to fulfill the services stated in the case plan. Additionally, if a client is already sentenced to probation, but needs additional support, the advocate will develop service plans specifically to keep people in compliance with their probation.

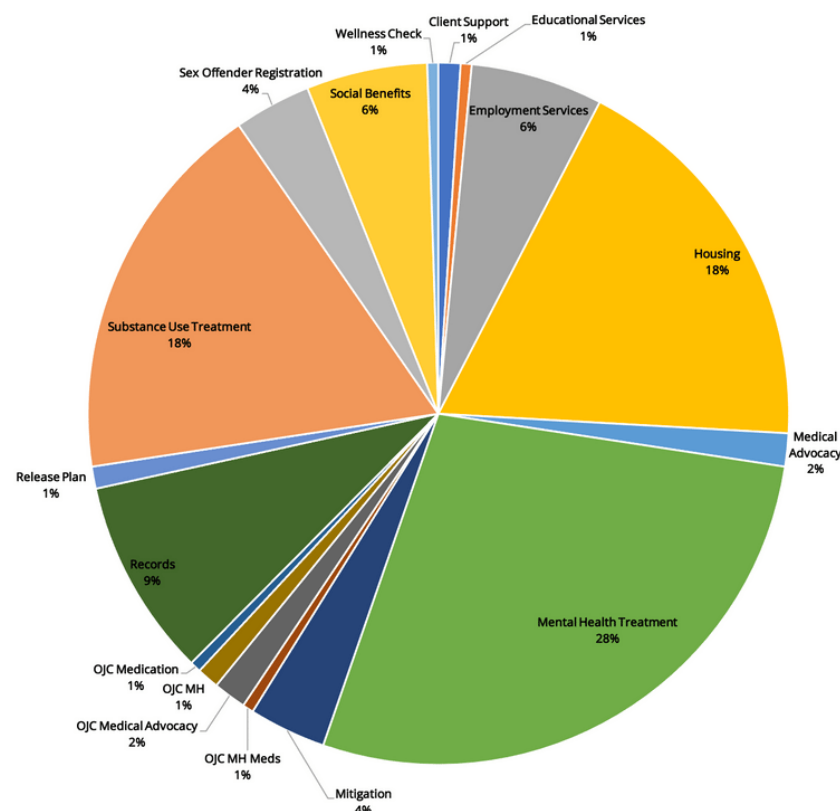
Legal Objectives

ATI provided support for **110** legal objectives:



Case Objectives

ATI advocates worked towards **191** case objectives:



RE-ENTRY UNIT

CSD's Re-Entry team works exclusively with people who have served time in the Louisiana Department of Corrections (DOC) and need support as they return home.

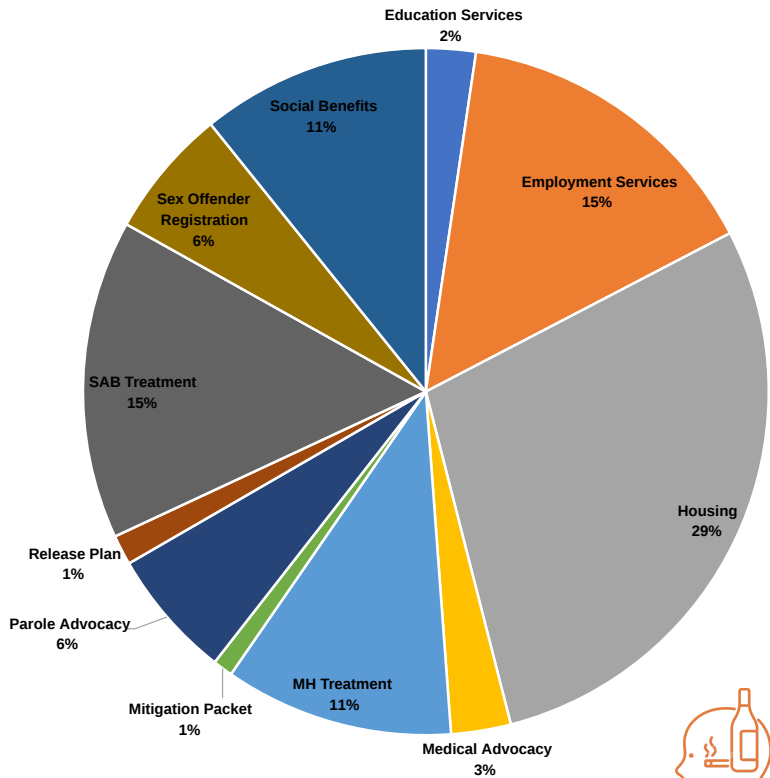
After lengthy periods of incarceration, individuals returning to their communities face a unique set of challenges that make them particularly vulnerable as they re-start their lives. Formerly incarcerated people are 10 times more likely than the general public to experience houselessness and are unemployed at a rate of 27%. In addition, CSD's Re-entry team found 48% of their clients coming out of prison had a mental health diagnosis, and 62% reported problematic substance use. Unfortunately, these factors mean that our re-entry clients are often vulnerable and face a high risk of re-arrest.

Understanding the challenges of the re-entry process, our re-entry team works diligently to respond to the needs of their clients. The Re-Entry team meets with their clients while they are still in DOC custody or shortly after their release and develops individualized case plans to support their transition home. The top three services people needed as they left prison this year were housing, employment, and substance treatment.

Once a need is identified, our Re-Entry team connects clients to the resources that best meet those needs. If a provider cannot meet all of the needs of a client, the re-entry team helps their client navigate between multiple providers. Part of this navigation includes practical support such as transportation, benefit applications, and immeasurable emotional support.

Each client has a unique experience and set of circumstances. CSD's Re-Entry team provides a holistic practice that responds to the individual needs of their clients. Using this practice to create support systems upon release, our Re-Entry team works to mitigate the challenges their clients face as they re-enter with the ultimate goal of moving beyond the carceral system and reaching a place of self-sustainability.

CASE OBJECTIVES



Substance Use & Mental Health



- 62% of clients reported a history of problematic substance use
- 48% of clients reported having a mental health diagnosis
- 43% of clients reported having a co-occurring disorder (substance use disorder and other mental health diagnosis)

Housing



- 38% of clients reported expecting to experience homelessness upon release from prison

Employment and Education



- 19% of clients reported being unemployed before being incarcerated
- 43% of clients reported having at least a high school diploma or GED

CONCLUSION

The Client Services Division is what makes the Orleans Public Defenders a holistic practice. CSD works to offer comprehensive solutions to our client's social, psychological, and human needs, and to find alternatives to incarceration, reduce recidivism and increase the health and safety of our clients and community. The work of CSD looks at a person in their entirety, meets them where they are, and aims to address the root causes of their initial contact with the criminal legal system.

It is difficult to quantify the exact impact of the ongoing COVID-19 pandemic on CSD's work, but it left its mark on many of the data metrics from this year, as well, of course, as on our clients' lives. CSD's total caseload was over 300 clients smaller than it was in 2019, due largely to the many uncertain months early in the pandemic when CSD advocates could not effectively serve clients, as well as to higher-than-usual mass-releases from OJC amidst COVID outbreaks. CSD also saw fewer clients referrals to service providers this year, but to a wider variety of organizations, as some referral partners struggled to adapt to the COVID landscape and advocates worked to research novel and creative solutions to meet clients' needs. The impact of the pandemic can also be seen in our quarterly averages for jail time and case length, where the early-pandemic summer months show lengthy cases and periods of incarceration as CSD, OPD and the criminal legal system as a whole scrambled to adapt their practices to a new set of challenges. Overall, 2020 and the COVID-19 pandemic brought unprecedented challenges to CSD's work, and this report shows some of how our clients suffered unique and tragic consequences from the pandemic, as well as how the division evolved its practices throughout the year to better address the changing needs in the community.

In a city where resources were scarce pre-covid, CSD's advocates and social workers do what they can to fill services gaps for clients once they are back in the community so that they are never in a position in which they aren't supported. At times, this means CSD acts as a primary provider when resources are unavailable or inaccessible, helping clients reach a point of stability until they are connected to services. If one provider cannot meet all of a client's needs, CSD helps them identify additional resources to support their unique set of needs. Much of the work between providers involves emotional and practical support that can't be captured through data but is the essential work needed as clients navigate many social support systems in the community.

CSD acts as an unconditional advocate for clients who remain incarcerated and lets their clients know that they are supported throughout the legal process. This can range from periodic wellness checks to ensuring a person's safety and health are secure while incarcerated. Additionally, CSD takes on the task of showing who clients are in their entirety through mitigation that tells a client's story. CSD does this work by collecting records, creating detailed mitigation packets that highlight relevant life experiences, and gathering letters of support from family and members in the community.

The Orleans Public Defenders depend on the work of CSD to get clients out of the criminal legal system and help them stay out for good. CSD believes that no one should be viewed as another case number or judged by their single worst moment. As zealous advocates, CSD team members ensure their clients receive this respect and support as they move beyond the long-term punitive effects of incarceration.