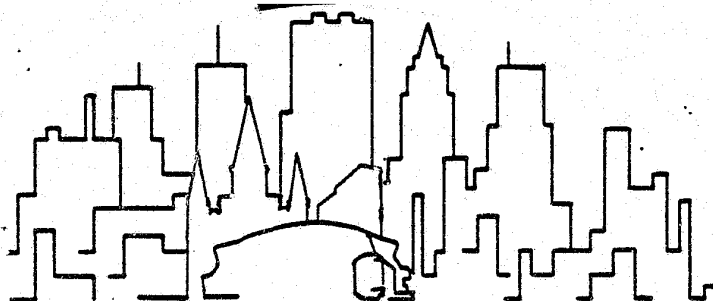


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JUNE 1985

## **City of New Orleans**

Office of Criminal  
Justice Coordination

### **THE NEW ORLEANS CRIMINAL JUSTICE SYSTEM 1984**

STUART P. CARROLL, Deputy Assistant for Criminal Justice  
LINDA MARYE, Principal Researcher

107657

**ERNEST N. MORIAL, MAYOR**  
*Frank R. Serpas, Jr., MAYOR'S ASSISTANT FOR  
CRIMINAL JUSTICE*

THE NEW ORLEANS  
CRIMINAL JUSTICE SYSTEM  
1984

Prepared by

THE OFFICE OF CRIMINAL JUSTICE COORDINATION

JUNE, 1985

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U.S. Department of Justice  
National Institute of Justice

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## HIGHLIGHTS

1984

\*\*\*\*\*  
Reported major crime up 6.4%  
Property crime up 5.0%  
Violent crime up 11.9%  
\*\*\*\*\*

Implementation completed for  
E-911 Emergency Telephone System

\* \* \* \*

Emphasis on DWI Continues

\* \* \* \*

Sentencing Study completed

\* \* \* \*

- o NOPD received over 400,000 calls for service  
33,000 calls were for Emergency Medical Service
- o Over 6,000 cases accepted for prosecution at  
District Court Level  
Over 4,400 cases resolved by guilty plea or verdict
- o Over 137,000 cases handled through Municipal and  
Traffic Court  
Over 1,000 convictions in Traffic Court for DWI
- o An average of 2,836 prisoners per day in Orleans  
Parish Jails
- o Over 5,100 citizens served on over 500 jury trials
- o Neighborhood Watch expanded to 41 new neighborhoods
- o Approximately 1/3 of City Operating Budget appropriated  
to Public Safety
- o Over 4,200 juvenile arrest incidents in which over  
800 juvenile were adjudicated delinquent
- o Police child abuse/neglect caseload numbered 916 and  
Juvenile Court Supervised some 3,000 such open cases.

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# I

## INTRODUCTION

This report is part of a continuing yearly series which is intended to describe the criminal justice system in New Orleans and inform the public on both the extent of reported crime and the amount of resources being directly utilized by the system. Each major component of the system is described, pointing out its workload and available resources.

There were three primary data sources for this report: (1) Uniform Crime Reports from the FBI (2) System Component Files and (3) the 1984 City Operating Budget. All components of the system were sent questionnaires during the beginning of the year in order to assure completeness of information. For a descriptive report of this type, cooperation from all system elements in developing the information is necessary. Without the advantages of a unified Criminal Justice Information System, which would readily produce the information required for a precise empirical study of the entire justice system, this report is only a representative description of the normal operations of the system. There is a tremendous variation in the ability of agencies to retrieve and tabulate operational data. As a result, some of the statistical data in

the descriptive portions of this report are estimates and are noted as such.

A great deal of citizen frustration with crime in our community has been directed toward the criminal justice system. But, as the President's Commission on Law Enforcement and Administration of Justice pointed out in 1967, crime is a product of complex socio-economic conditions which the criminal justice system is ill-equipped to solve. The criminal justice system in America is primarily a reactive system, in that it reacts to outside stimuli and has neither the resources nor mandate to correct the problems that cause crime to exist.

This report is an effort to educate and inform the public about the resources and functioning of the criminal justice system from the point of complaint through final disposition. Along with other companion reports prepared by the Office of Criminal Justice Coordination, this report has other direct policy implications.

The first is to promote an improved unity of purpose among criminal justice components and units that comprise the system. This is to say that the functioning of each element of the criminal justice system is affected by the operations of another. In addition, the major actors in the criminal justice system are accountable to the public for their inactions or actions. Secondly, because of the

diverse responsibilities and perceptions of each element of the system, improved coordination of effort between and within the political jurisdictions is a vital necessity. The coalescence of interest between system components is absolutely essential to reach the ultimate goals of crime control and public safety. Thirdly, it is essential that an increased positive community involvement in crime prevention and control be promoted. Crime prevention and/or elimination is not a system responsibility alone, rather it is a cooperative effort between the system, law makers, and the community itself.

This report is organized by major system designations with related operating agencies grouped under each chapter. Every effort has been made to assure accuracy and completeness; however, agency descriptions vary depending on cooperation and availability of information. An appendix provides some statistical comparisons. Chapter III describes major public safety initiatives during 1984; the implementation of the 911 Emergency Telephone System; the activities of the DWI Task Force; a synopsis of a national study of sentencing patterns in which New Orleans participated; and a summary of victim restitution programs in New Orleans. This year a new section, Chapter VIII, has been added on the Juvenile Justice System.



## II

### SUMMARY

For the most part, this report contains material for only those law enforcement and criminal justice agencies which operate in and receive financial support from the City of New Orleans. In addition to the agencies and departments included in this report, other local agencies have responsibilities in the law enforcement/regulatory area, such as Department of Safety and Permits, and the Fire Department. Other private, non-governmental boards and commissions also have formal and informal roles, such as the Metropolitan Area Committee, Metropolitan Crime Commission and other special interest and/or geographically defined groups. Aside from the New Orleans Police Department there are over twenty other state, federal and special jurisdiction law enforcement agencies which operate in Orleans Parish. The same is true to a lesser degree for prosecution and courts. In addition a multitude of private security officers, in a variety of forms, patrol and protect private property in New Orleans. Readers should keep in mind that while this report discusses most of the local components of the criminal justice system, it only represents a portion of the total

resources and workload involved with public safety and law enforcement in New Orleans. The recap chart at the end of this section briefly summarizes the resources and workloads of system components.

### CRIME IN THE COMMUNITY

During 1984 New Orleans had an estimated resident population of about 600,000 which increased daily as a result of tourism and suburbanites who work in the city. The Police Department reported 417,587 calls for service during 1984 which includes approximately 33,000 calls for emergency medical service. Major offenses reported to the police increased by 6.4% in 1984 with the largest increase in assaults. New Orleans, as the largest city in the state, continues to report approximate 20% of the major crime statewide and that proportion has been relatively stable over the past years.

### SYSTEM RESPONSE

With approximately one-third of the City Operating Budget dedicated to law enforcement and criminal justice and over 3,000 employees involved, a considerable amount of resources are directed toward crime control. Arrests increased during 1984 by 5.1% to 49,393. Police cleared by arrest approximately 19% of the major offenses reported.

Over 6,200 cases were accepted for prosecution by the District Attorney and, (not counting the pending cases,) 91% pled guilty or were found guilty by either a jury or judge trial. By far, the bulk of the criminal justice system workload is in the Municipal and Traffic Courts. Over 40,000 cases were handled in Municipal Court and 97,000 in Traffic Court. An estimated 2,900 prisoners per day were kept in the New Orleans jail facilities at a cost of approximately \$24.00 per day per prisoner.

#### COMMUNITY RESPONSE

During 1984 several crime prevention programs were in effect or in their initial stages. New programs include Taxis on Patrol and Business Against Crime, Explorer Post, Hospital Watch, and Senior Power. The established New Orleans Neighborhood Police Anti-Crime Councils continued to operate and the Neighborhood Watch Program increased by 41 new groups. Crime prevention officers from the NOPD held about 3,500 meetings involving 64,000 citizens. Over 5,200 citizens served on over 500 juries.

NEW ORLEANS CRIMINAL JUSTICE SYSTEM  
 RECAP OF RESOURCES AND WORKLOADS  
 1984

COMPONENTS	BUDGET	PERSONNEL	WORKLOADS
------------	--------	-----------	-----------

ENFORCEMENT

Police	\$65,439,297	1,330 total 473 commissioned	417,587 calls for service 49,393 arrests 33,320 calls for emergency medical services
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Department of Streets

(Public Parking Division)

\$ 7,940,062	228	607,112 tickets issued \$5,598,636 collected in fines/fees
--------------	-----	---

COMPONENTS	BUDGET	PERSONNEL	WORKLOADS
------------	--------	-----------	-----------

## PROSECUTION

### District Attorney

\$2,609,500

147 total

6,002 cases accepted

65 attorneys

4,488 found/pled guilty

### Grand Jury

\*

\*

3 grand juries  
123 cases handled  
95 true bills

City Attorney \$ 465,722

15 total

35,469 cases handled in  
Municipal Court

(Criminal Division)

12 attorneys

97,047 cases handled in Traffic  
Court

### Indigent Defender

\$ 896,434.08

43 total

8,270 cases referred excluding  
Juvenile Court

32 attorneys

6,063 cases defended

107 cases acquitted

COMPONENTS	BUDGET	PERSONNEL	WORKLOAD
------------	--------	-----------	----------

## ADJUDICATION

### Criminal\_District\_Court

\$3,392,869 *	106	12,389 persons processed by Magistrate Court 440 judge trials ** 537 sanity commissions
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### Clerk\_Criminal\_District\_Court

\$1,488,345	85	5,843 cases filed 5 elections
-------------	----	----------------------------------

Municipal_Court \$1,549,625	68	40,145 cases handled
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Traffic_Court \$1,827,982	105	97,047 cases handled 960 DWI convictions
---------------------------	-----	---

Petit_Jury \$ 296,151	29	5,182 persons served 518 jury trials
-----------------------	----	---

### Coroner

Operating \$ 842,432	50	4,200 calls for service
Capital 434,800		1,256 autopsies 538 rape investigations by hospitals 2,009 commitments 207 murder investigations

\* excludes jury pool

\*\* estimate

COMPONENTS	BUDGET	PERSONNEL	WORKLOAD
<b>CORRECTIONS</b>			
<u>State Probation</u>	NA	45 excluding clerical	3,696 persons supervised  1,866 pre/post sentencing and clemency investigations
<u>Municipal Probation</u> \$114,332		5	3,237 cases screened and mediated  \$30,065 collected for restitution
<u>Traffic Probation</u>  \$273,413		9	1,227 cases referred
<u>Criminal Sheriff</u> \$20,431,770		938 total  750 security	2,836 average daily prison population \$24.00 average daily cost per prisoner

COMPONENTS	BUDGET	PERSONNEL	WORKLOAD
<u>JUVENILE</u>			
<u>Police</u>	NA	33 commissioned/10 civilian 10 commissioned/3 civilian in child abuse.	4,264 juvenile arrests 2,191 clearances 916 abuse/neglect cases
<u>District Attorney</u>	NA	13 total 8 attorneys	4,414 cases referred 2,574 cases accepted 1,211 delinquency charges filed 997 found delinquent 1,363 nondelinquency cases
<u>Youth Study Center</u> \$1,633,369		60	1,148 juveniles detained 157 placed on home detention 12.6 days average stay 45 average daily population
<u>Juvenile Court</u> \$1,688,337*		67	1,206 delinquency/status cases 465 neglect/abuse cases 1,120 nonsupport cases 279 adoptions 3,100 traffic cases
<u>State Juvenile Probation</u> N/A		43 total 19 officers	average 700 per month
<u>Juvenile Corrections</u> \$20,698,549**		810 total** 435 security	956 total incarcerated 133 incarcerated from New Orleans

\*excluding judicial salaries and fringe paid by State Supreme Court

\*\*budget allocations for entire state



### III

#### SPECIAL TOPICS -1984

##### E-911 EMERGENCY TELEPHONE SYSTEM

In May 1984 an enhanced 911 system became operational in New Orleans. Because the Police Department has been designated the primary answering point, calls are handled by N.O.P.D. operators first. If these operators are all busy, the calls are received at the Fire Department, the secondary answering point. Since 911 was installed, calls coming into the Police Department increased 17% in 1984, with 911 calls being about 34% of the calls. Total police calls for the period numbered 493,490 and 911 calls, 168,590. The volume of calls indicates widespread acceptance of 911 by the citizens of New Orleans.

Unfortunately many citizens call 911 and hang up before the operator can answer. There were 4,611 of these "signal 911's" over the 8 month period, about 3% of all 911 calls. Although there has been considerable publicity concerning this abuse of the system, especially in Jefferson Parish, the operational approach of the N.O.P.D. has minimized the effect of these calls.

The following table is an approximate breakdown of an average day's call volume based on 1984 statistics:

## DAILY EMERGENCY CALL VOLUME

Total calls into the Police Communication Center, including non-emergency calls, etc.	2306 per day
Police calls for service	1326 per day
911 calls	788 per day
Emergency Medical Calls	185 per day
Signal 911's	22 per day
Fire Alarm calls	13 per day

At the time of implementation, there was concern that the Telephone Company would not respond quickly enough to service problems. Although equipment failures have been minor, the response of the Telephone Company has been timely and satisfactory. In addition, the automatic location and number identification have been quite accurate. Finally, an increase in the charge for pay phones calls to 25 cents has enabled the system to include "dial tone first." This allows pay phone users to dial 911 without first depositing their money.

## NEW ORLEANS DWI PROGRAM

Effective January 1, 1984, the Louisiana Legislature passed a law that increased the penalties for driving while intoxicated. Before that time many drunk drivers had received only suspended sentences or probation. Now even for first and second convictions the driver must spend time either in jail or performing community services. For more than two convictions, jail time is mandatory. Earlier laws concerning the blood alcohol test remain unchanged. A Blood Alcohol Content (BAC) of .10% is still evidence of intoxication. All drivers consent to the blood test by accepting licenses; and refusal to take the test can be used as evidence in court.

In 1983 the City of New Orleans through the Office of Criminal Justice Coordination received a grant from the Louisiana Highway Safety Commission to set up a program to increase arrests, convictions and adequate sentencing of drunk drivers. Although the grant is no longer in effect, the parallel DWI Task Force and Technical Working Group established during the grant are still meeting. The two groups have representatives from the Police Department, the City Attorney's Office, the Criminal Sheriff, the Coroner, Traffic Court, MADD (Mothers Against Drunk

Driving), and the Mayor's Office. The Special Enforcement Unit within the Police Department; the additional assistant city attorney and clerk; and the probation coordinator established under the grant are still in place.

During 1984 the DWI program advanced on several fronts. It improved subpoena service, increased supply of videotapes, improved case preparation by police officers, improved the data base, improved forms to insure timely completion of probation, standardized pretrial conference times, and improved notification of court dates.

The results of these efforts will not be apparent until all the backlog of old cases are disposed of. In general, however, 1984 shows an increase in activity in many area. Arrests for drunk driving totaled 3,674, 25% more than in 1983. Final dispositions increased 28% to 2,676 and guilty findings increased 10% to 1,060.

Although this activity resulted in no jail sentences, 736 persons were referred for community service and 1,296 to Alcohol Diversion School. The Sheriff reports that he received 837 persons whose sentences were suspended for referral to community service.

## SENTENCING STUDY

While Orleans Parish does not have an automated system, at present, for the retrieval of sentencing outcome information and since the cost of manual retrieval and tabulation is excessive, sentencing patterns and frequency distributions presentations have largely been ignored. During 1984, however, national research was completed on sentencing and New Orleans participated in the study. Although most questions remain unanswered, this national study does give some insight into sentencing in New Orleans. As the total automation of court records continues it is expected that sentencing will become a routine part of this yearly report. What follows is a brief summation of the national research.

In December 1984 a report entitled The Scales of Justice: Sentencing Outcomes in 18 Felony Courts was completed for the Bureau of Justice Statistics by the National Association of Criminal Justice Planners. Eighteen urban county based jurisdictions including New Orleans were studied with an average population of 886,600 each. The Orleans Parish Criminal District Court provided the data for New Orleans. The study looked at sentences meted out for homicide, rape, robbery, aggravated assault, burglary, larceny, and drug trafficking. The only offender characteristic collected was age. The

report divided itself into chapters by which agent influenced various steps in the sentencing process--judges, prosecutors, or defendants.

A. Sentencing Disposition -- The Judge

1. Overview

As the person who actually pronounces the sentence, the judge has more discretion than the other agents. Overall the following distribution of sentencing alternatives was discovered:

Table 1

Alternative	Percent	Average Time
Probation only	28%	3 yrs. 1 mo.
Incarcerated	71%	
Jail	26%	9 mo.
Prison	45%	6 yrs. 10 mo.
Other	1%	-

Of those receiving jail as a sentence, 30% served in jail only for an average of 12 months, 68% served a combination of jail (7 months) and probation (3 years 2 months), and 2% served only the time already spent in pretrial detention and probation.

By type of offense, 85% convicted of homicide were imprisoned; 69% convicted of rape were imprisoned; 65% convicted of robbery were imprisoned; 39% convicted of aggravated assault were imprisoned and 31% given probation; 46% convicted of burglary were imprisoned and 28% given probation; 32% convicted of larceny were put in jail and 38% put on probation; and finally 41% convicted of drug trafficking were put in jail and 35% on probation. The longest prison terms were given for homicide and rape.

## 2. The Use of Jail

There was a wide variation among jurisdictions in the use of jail. Over all, jail was the sentence in 26% of the felonies ranging from a high of 50% in Hennepin County to a low of 1% in Denver. New Orleans was somewhat lower than average with 18% of the convictions resulting in a jail term.

There was also a wide variation in whether the jail term was straight or with probation. For example, Hennepin County with the largest use of jail had only 1% being sentenced to straight jail terms; the rest included probation. For New Orleans 13% of the sentences were for straight jail terms and 5% for jail with probation. In general straight jail terms are longer than those that include probation.

### 3. The Use of Probation

Probation is a factor in 45% of the felony sentences. Its use, however, varies with jurisdiction. Dade County used probation least with 28% of its sentences being to either probation or incarceration and probation for an average time of 3.5 years and Hennepin County used it most with 67% of its sentences being to probation for an average time of 3.6 years. In New Orleans 39% of the cases were sentenced to probation for an average period of 2.8 years.

### 4. The Use of Prison and the Meaning of Time

The State Legislature also influences sentencing by the limitations it makes in dispositions available for different types of crimes. Although time means the same thing in probation and jail sentences regardless of jurisdiction, its meaning changes in sentences of imprisonment depending on whether the state has determinate or indeterminate sentencing, the use of good time and minimum and maximum sentences.

For example, in these 18 jurisdictions studied the percentage of maximum time that must be served ranged from 0 to 67%. Among places with determinate sentencing, those with the longest average terms tended to have the most generous good time rates so that in the end the differences in time served for a



crime such as burglary were quite small. Likewise among places with indeterminate sentencing, those jurisdictions with high minima tended to have lower average terms. In some jurisdictions asking for a long sentence may be the only way for a judge to tell the parole board how serious he thinks the crime is.

## 5. Life Imprisonment and Death

Sentences of life imprisonment or death are excluded from this sort of analysis because of the difficulty in computing such things as means. Nevertheless, 74% of such sentences are given for homicide, 18% for robbery, and 5% for rape.

## B. Charge Characteristics -- The Prosecutor

### 1. Degree within charge

The second section primarily discussed how the prosecutor influences sentences through the charges he or she brings. Up until this point in the report no distinctions were made in the "degrees" of homicide, robbery or burglary. Actually, though, homicide may be either murder, manslaughter, or negligent homicide; robbery may be armed or simple; and burglary may be armed, residential, or non-residential. Large differences in sentencing are revealed according to the perceived seriousness of the crime. For example, sentences for murder

averaged 17.3 years but for negligent homicide, 3.9 years. Sentences for armed robbery averaged 11.2 years but 7.9 years for simple robbery. Finally, sentences for armed burglary averaged 9.5 years but 3.3 years for unarmed non-residential burglary.

## 2. Completed Versus Attempted Crimes

Although the differences were not as great as for degree of charge, completed crimes also got longer sentences than those merely attempted.

## 3. Multiple Charges

Multiple charges occurred in only one-third of the cases and 3 or more charges in only 11%. Nevertheless, when the prosecutor pressed for multiple charges it made a dramatic difference in sentences. The average prison term increased from 5.3 years for one charge to 13.5 years for four or more while the likelihood of prison also increased. Only 2% of the cases with multiple charges resulted in consecutive rather than concurrent terms. When consecutive terms were invoked, however, the length of the prison term burgeoned.

## 4. Type of Charge

A final way in which the prosecutor can impact the sentence is in the type of charge he brings. The various degrees of murder, burglary and robbery

have already been described but a prosecutor can also lower a charge across categories by dropping from a charge of burglary, for example, to one of larceny. For these seven offenses, most defendants were convicted on the highest original charge. The variation was very slight between charges with from 83% to 89% convicted on the charge as originally brought by the prosecutor. Only in the case of larceny did this percentage drop to 78%. (Although the final charge was known to be larceny the original charge was not collected.) In most cases in which a person is convicted of a lower charge, in return he or she has pled guilty. In general, convictions on lower charges carried lighter sentences so that the defendant did benefit by pleading guilty to a lower charge.

### C. Criminal History - The Defendant

#### 1. Age

The third and final section described how characteristics of the defendant impacted sentencing. Age was the only data element collected for individuals. Robbery and burglary convictions were found to dominate the younger age groups while larceny and drug trafficking dominated the older. A person was found more likely to be imprisoned the older he or she was, with the maximum prison terms were given out for those in the age group 31 to 35.

## 2. Type of Plea

The defendant's decision to plead guilty has a modest effect on the judge's sentence. Over all seven crime categories, 51% are imprisoned after being found guilty and 44% after pleading guilty. Most interesting were the crimes of larceny and burglary in which it was found that the person who pled guilty was actually more likely to be imprisoned.

## 3. Sentencing Enhancement

Most jurisdictions had some sort of sentencing enhancement such as a multiple offender law in which a person could be given longer terms if he or she were not a first offender. Such enhancements were found to be invoked mostly in crimes of violence and in only 20% of the prison terms. When they were invoked, they resulted in longer terms, an increase of from 5.4 average years to 7.8. New Orleans was the highest of the 18 jurisdictions in the use of sentencing enhancements using them in 32% of the prison terms.

The report concludes:

There is a tendency to equate sentencing with a judge. The judge of course is the person who actually imposes the sentence, but the type of

sentence that s/he imposes is affected in no small way by what the legislature has provided in terms of a sentencing scheme. The prosecutor in his/her charging practices, especially in the seeking of multiple count convictions, also affects the sentencing process as does the defendant whose prior contact with the criminal justice system can dramatically shape how the judge will deal with him/her. (pg. 67)

#### VICTIM RESTITUTION PROGRAMS

Nationally the criminal justice system has been increasingly sensitized to the problems of victims. In response to this increased sensitivity, most New Orleans agencies attempt to compensate the victim for any financial losses he or she suffered because of a crime. Of course, for the perpetrator to pay restitution is a defacto admission of guilt; therefore, most restitution is either ordered to be paid by the courts as part of a sentence after a finding of guilty and is administered by correctional agencies or agencies of the court, or is offered as an alternative to criminal prosecution by the prosecuting attorneys.

The Criminal District Court did not keep records in 1984 of the amount ordered but estimates that restitution was a part of the sentence in some

1600 cases. Information is not kept either on individual probationers paying restitution by the State Probation and Parole Department; however, that agency operates a program to defray certain expenses to victims of violent crimes. The Victim Reparation Program can compensate anyone who suffered injuries causing a financial loss due to certain crimes of violence reported to the police. Some catastrophic property losses are also covered. In 1984 the program had 15 such requests, of which 8 were found ineligible, 2 denied, 3 are still pending, and 2 were granted. During 1984, plans were completed to transfer responsibility for this program to the parish sheriffs' offices.

Although no records of restitution ordered or paid were kept by the City Attorney or Traffic Court, the Municipal Court Probation Office reports that it supervised 120 probationers repaying \$30,065 to victims. An additional 83 probationers performed 1647 hours of community service restitution while on work release.

During 1984 the District Attorneys Office operated two formal programs which incorporated victim restitution. The Juvenile Diversion Program operated for six months during 1984 and repaid \$10,938 to victims. The Adult Diversion Program operated all year and paid \$79,214 to victims.

The Juvenile Restitution Program of the Orleans Parish Juvenile Court has as a primary function the payment of restitution to victims of juvenile crime. In 1984, 233 adjudicated delinquents repaid \$9,873 to their victims. They also performed 11,739 hours of unpaid community service.

With increased emphasis being placed on the treatment and rights of victims at the local, state and federal levels, additional formal programs for victim's services can be expected.

#### IV

### ENFORCEMENT: THE INITIAL RESPONSE

#### POLICE DEPARTMENT

The New Orleans Police Department (NOPD) is the primary law enforcement agency for the City. As such, it has responsibility for order maintenance and crime control within the city limits. The functions of the NOPD are specified in the Home Rule Charter of the City of New Orleans. The three major bureaus and two specialized divisions of the NOPD are the responsibility of the Superintendent of Police, who is appointed by the City's Chief Administrative Officer with concurrence of the Mayor.

The Field Operations Bureau coordinates the activities of the Juvenile Division, the Patrol Division, and the Special Operations Division. It also assumes the role of "field coordinator" for special events and during disasters. As well as providing the most visible of police services (i.e., patrol duties in the various districts), the Field Operations Bureau includes the motorcycle (traffic) officers, the mounted and K-9 units, the SWAT/hostage teams and the Diving Unit.



The Patrol Division, located administratively within the Field Operations Bureau, contains approximately 49% of the N.O.P.D.'s commissioned personnel. The patrol function personifies the law enforcement role and, accordingly, is the largest consumer of Police Department resources. To facilitate patrol operations, the City of New Orleans is divided into seven police districts which are further subdivided into over 100 reporting zones. The geographical boundaries for these areas are assigned by the Superintendent of Police. Each district bases its operations in a District Station. This decentralizes patrol resources and is aimed at developing closer community contact. Each district is commanded by a Captain. The seven districts assume complete responsibility for handling all preliminary investigations, calls for service and patrol duties in their respective assigned areas.

The purpose of the Criminal Investigation Bureau is to provide administration, management direction, policy establishment, program formulation, and coordination of activities involved in the investigations of major criminal offenses. The General Assignment Division, the Offense Against Persons Division, and the Offense Against Property Division make up this bureau. Felony cases not

otherwise assigned are the province of the General Assignment Division, as are surveillance and general intelligence duties. Homicides, child abuse, sex offenses, robberies, and missing persons are handled by the Offenses Against Persons Division. The Offenses Against Property Division is composed of a Burglary Unit, a Forgery Unit and an Auto Theft Unit.

The Technical Services Bureau primarily provides support functions for the department and includes Central Evidence and Property, the Communications Division, the Criminalistics Division, Civil Defense, Emergency Medical Services, Fleet Maintenance, Records and Identification and the Special Assignments Division. They handled some 33,320 calls for emergency medical services alone.

The Specialized Investigations Division, one of two "special" divisions, includes the Vice Crimes Section, the Narcotics and Drug Abuse Section and the Intelligence Section. The other "special" division, the Office of Professional Accountability, includes court liaison, internal affairs, and management controls.

### Resources

In 1984, the NOPD had a total of 1,803 employees. Of these, 1,330 were commissioned police officers and 473 were civilians. Thus, roughly 74% of the employees were commissioned.

The total police budget for 1984 amounted to \$65,439,297. Of this \$56,819,489 went for personnel services. Equipment, supplies, and contractual services accounted for the rest. The 1984 budget represented an increase of 9% over the 1983 budget of \$59,824,151.

#### Workload

During 1984 the Communications Division received and dispatched 417,587 calls for service, a 2% increase over the 410,453 calls received in 1983. In a planned effort to meet the increasing demand for police services, the NOPD has alternative methods of handling complaints. Among these is the Tele-Serve System which provides telephone operators for handling police related complaints of a minor nature. For example, Tele-Serve operators can provide callers with a report item number for insurance purposes thus freeing patrol units to respond to calls of a higher priority. During 1984, the Tele-Serve Unit was responsible for relieving field units from writing 2,273 reports.

In 1984 there was a total of 48,933 major offenses reported in New Orleans. The NOPD made a total of 49,393 arrests--up 5.1% from the 47,018 total arrests for 1983. In all 19.1% of the crimes were cleared by arrest. Of the 1984 arrests, 9,366 were for major offenses--an increase of 24.3% from the 7,538 arrests for major offenses during 1983.

Altogether, the crime statistics reflect a 6.4% increase in major offenses as calculated in UCR statistics.

Another method of dealing with the demand for police services is the NOPD's Crime Prevention Unit. The NOPD has taken an active role in helping citizens eliminate some of the opportunities for crime. For example, during 1984 crime prevention officers attended 3,489 meetings at which 64,212 citizens were contacted. Additionally, 41 new Neighborhood Watch groups were formed.

#### PARKING PROGRAM

In 1983 the duties of parking enforcement were moved from the Police Department to the Parking Division within the Street Department. In general, the new parking program has made the enforcement of parking laws more certain and the penalty for breaking them more severe. New elements already implemented include increased meter rates and the placement of new meters; moving the duty of ticket writing from the Police Department where it was only one of many duties to a closely supervised section within the Division that has ticket writing as its primary responsibility; increasing the amount of tickets; increased towing and booting of cars; moving violation processing from Traffic Court to a contract agency with a computerized unit; and

consistently mailing the notices of delinquent tickets to car owners.

The Police Department still handles all moving violations and the Traffic Court hears cases of those who plead not guilty to either moving or parking violations.

Approximately 228 people are employed by the program with a 1984 budget of \$7,940,062. In 1984, 607,112 parking violations were issued, an increase of 12.9% over 1983. Although 86,114 trials were scheduled, only 38,132 were disposed of in 1984. Over 5 million dollars was collected in tickets; \$400,000, in tow fees; and \$60,000 in boot fees.

## PROSECUTION: THE DECISION TO CHARGE

After an arrest is made, it is the responsibility of the prosecutor's office or the Grand Jury to make a determination whether a formal accusation will be made against an arrestee. The District Attorney's Office, the Grand Jury, the City Attorney's Office and the Indigent Defender's Office are described in this section.

### DISTRICT ATTORNEY

The District Attorney's Office in Orleans Parish derives its power from Article 5 Section 26 of the Louisiana Constitution. The staff of the Orleans Parish District Attorney's Office consists of 147 persons, 65 of whom are attorneys. Essentially, the District Attorney's Office is responsible for screening cases to determine if prosecution is appropriate, serving as advisor to the Orleans Parish Grand Jury, and prosecuting cases in which a bill of information or bill of indictment is filed.

The Office of the District Attorney has seven divisions with specialized functions. Over the whole is the District Attorney who makes policy for the entire office and the First Assistant District Attorney who directs the activities of the other divisions in implementing that policy. First, the Administrative Division handles the administration of the typing pool, fiscal matters, secretarial personnel and the maintenance of the building. Second, the Screening Division decides whether charges should be filed based on information that it receives regarding arrests made by the New Orleans Police Department. This division is also responsible for presenting evidence to the Grand Jury in those cases where an indictment is sought. Third, the Investigative Division assists the attorneys in preparing cases for trial by arranging for appointments with witnesses, etc. Although the Police Department is responsible for most pretrial investigations, this division also conducts some special investigations, in addition to or in lieu of those of the police department. Fourth, the Trial Division prosecutes cases in Criminal District Court, while, fifth, the Appeals Division handles all appeals. Sixth, the Juvenile Division

prosecutes all juveniles charged with offenses in Orleans Parish Juvenile Court. Last, the Child Support Enforcement Division prosecutes neglect of family cases and handles parent location and enforcement of civil support orders in Juvenile Court.

Finally, there were three programs part of the District Attorneys Office in 1984 that will be discontinued in 1985. First, the Economic Crime Unit investigated and prosecuted cases of "white collar crime" such as embezzlement, worthless checks, and various types of fraud. The efforts of this unit often culminated in restitution to the victims of "white collar crime." Second, victims and witnesses were kept informed about the status of their cases and all necessary court appearances through the Victim/Witness Assistance Program. Third, the District Attorneys Diversion Program was an alternative to prosecution for first offenders and juveniles charged with non-violent offenses. The Juvenile Diversion Program was discontinued in mid-1984. Services provided by the program included psychiatric evaluation, counseling, and job placement. This was a voluntary program which required, where applicable, that the participant pay



restitution to victims who suffered a financial loss as a result of the offense. Failure to meet program requirements resulted in the case being returned to an appropriate division of the District Attorney's Office for criminal prosecution.

### Resources

Funding for the District Attorney's Office originates from federal, state and local sources. Some operating expenses are paid through fines levied and appearance bonds forfeited in Criminal District Court in accordance with R. S. 14:571.11(D). In 1984, \$157,491 in fines and \$413,962 in bond forfeitures were generated in this way.

The Child Support Enforcement Division is funded by Title IV-D of the Social Security Act which provides for reimbursement of 75% of the division's costs. There is also an incentive payment in the amount of 12% of all child support collected which is used, in part, to reimburse Aid to Families with Dependent Children (AFDC). Each assistant district attorney also receives a State warrant salary of \$18,951 annually. In addition to the State warrant of \$1,118,109, in fiscal year 1984 the State appropriated \$131,701 to provide experienced assistants with increased salaries.

This figure represents a 50% reduction over the amount paid in 1983. The salaries of administrative and clerical personnel are funded by the City of New Orleans. In 1984 the City Council approved \$1,435,138 for these salaries.

#### Workload

Charges brought by the N.O.P.D. to the District Attorney for prosecution are first reviewed by the D.A.'s Screening Division. The primary function of this unit is to review all cases referred by the police and, based on the best information, to either accept or reject the case. In making this decision, the D.A.'s staff interviews appropriate victims and witnesses as well as the police officers involved. Cases which are accepted are either referred to a jury or a bill or information is filed with the Clerk of Court's Office. Accepted cases are then assigned to court section on a random basis by the Clerk's Office. Like other components of the criminal justice system, the District Attorney must set priorities in order to maximize the impact of his resources. Cases which in all likelihood cannot be successfully prosecuted are rejected so that emphasis can be placed on those for which enough

evidence exists to justify prosecution. A separate screening section similar to that for adults is operated by the District Attorney's Office in the Juvenile Court building.

In 1984 there were 6,002 cases accepted for prosecution in Criminal District Court out of the 11,927 cases referred for consideration from the police department. In 3,916 or 65% of these cases, the defendants pled guilty. There were 1,020 cases that went to trial and of that number 572 or 56% resulted in guilty verdicts. The District Attorney's overall success rate, which is based on a comparison of the number of guilty pleas or guilty verdicts to the total number of completed cases, was about 91% in 1984. About 1,000 of the cases accepted for prosecution were not disposed of for a variety of reasons. Some cases were accepted late in the year while others were delayed because of the possibility that the defendant would be found incompetent to stand trial. There were also some defendants who left the jurisdiction while they were free on bond. Criminal District court cases comprise the bulk of the District Attorney's workload.

## GRAND JURY

The Grand Jury is a panel of twelve individuals, qualified to serve as jurors, who are mandated by state law to inquire into all capital offenses and into all cases in which the defendant might receive mandatory life imprisonment at hard labor.

The Grand Jury is also authorized to look into other offenses at the request of the District Attorney. Jurors hear testimony and review evidence in these cases to determine if it is sufficient to warrant criminal charges.

The District Attorney serves as legal advisor to the Grand Jury. In the course of an inquiry, it is required to hear all evidence presented by the District Attorney. While the Grand Jury may hear evidence presented on behalf of the defendant, it is not bound to do so. It can order additional evidence to be produced when, in its opinion, such evidence can explain the charge. Witnesses may be subpoenaed to testify before the Grand Jury at the request of the District Attorney or the Grand Jury itself.

Article 434 specifies that Grand Jury sessions are secret and may be attended only by the District Attorney and assistants, the Attorney General and his assistants, the witness under examination, a court reporter and an interpreter, if necessary.

While the Grand Jury proceedings are ongoing, all participants are required to keep secret all testimony and proceedings unless the court permits disclosure of some testimony to determine if perjury has been committed. A witness may discuss his testimony with the Attorney General, the District Attorney, the Court or the counsel for the person under investigation. Only members of the Grand Jury are permitted to be present during deliberations and voting. Any violations of the rules of secrecy constitute contempt of court.

After considering the evidence presented, the Grand Jury can act by returning a true bill, returning "not a true bill", or by pretermittting, that is tabling the matter. A true bill or "not a true bill" requires a vote of at least nine members of the Grand Jury. A case is pretermitted with the agreement of at least nine members of the Grand Jury or the failure of nine members to agree on a finding. Article 443 of the Code of Criminal Procedure states that the "Grand Jury shall find an indictment, charging the defendant with the commission of an offense, when, in its judgement, the evidence considered by it, if unexplained and uncontradicted, warrants a conviction." The Grand Jury's finding is not a verdict, but an accusation. The District Attorney then has the responsibility for prosecuting a case in which an indictment is found.

Resources expended for Grand Jury activities are minimal and there is no budget set aside for this purpose. The minimal expenses are absorbed by the District Attorney's Office and the Orleans Parish Criminal Sheriff's Office. The grand jurors are not paid for their services. Meeting facilities and parking are currently provided by the Criminal District Court and lunches are provided by the Criminal Sheriff.

In 1984 there were three grand juries impaneled in Orleans Parish. Each served for six months and met once weekly. Altogether they heard 123 cases, returning 95 true bills and nine no true bills. There was also one Special Grand Jury investigating eight cases and returning six true bills.

## CITY ATTORNEY

Those attorneys who prosecute cases in the Municipal and Traffic Courts and act as counsel to the Police Department work for the Criminal Division of the City's Law Department. The four sections of Municipal Court hear all cases involving the violation of a city ordinance and the four sections of Traffic Court hear all violations of the city traffic ordinances and of state traffic laws when a jury trial is not required.

### Resources

In 1984 the Criminal Division included 15 positions and was budgetted \$465,722. In particular, 4 assistant city attorneys (ACA) worked with sections of Municipal Court: 7 worked with sections of Traffic Court; and an ACA acted as screener in Traffic Court.

Thus, each section of Municipal and Traffic Court has one attorney specifically assigned to it. Because cases of certain types are referred to only one section of Municipal Court, this specialization allows judges and ACA's to become "experts" in those areas. For example, one judge may hear all prostitution and shoplifting cases; one judge, all bad checks and utility thefts; and one judge, all violations of city housing and environmental codes.

Additional personnel assigned to the Criminal Division are stenographic and clerical staff who perform secretarial duties and collect bond forfeitures.

## Workload

Most cases in Municipal Court are not screened before the day of the trial. Instead, on the trial date, the ACA's hold what is called a pre-trial conference in an office at the rear of the court. At that time they study the case for the first time and interview the witnesses, defendant, and/or victim. If the evidence is scant or the witnesses or arresting police officer fail to appear, the case will be nol prossed at that time. It is estimated that up to one-half of the cases are nol prossed as unprosecutable. For much of the remainder, a defendant will enter a guilty plea once he understands that the ACA thinks the case is prosecutable. An ACA may hold from 45 to 50 pre-trial conferences in a single day. In 1984 35,469 cases were heard in Municipal Court. The screening attorney in Traffic Court handles DWI cases. In 1984 he screened 3,441 of the 97,047 total Traffic Court caseload. Information is not available on how many cases actually went to trial in Municipal or Traffic Court.

With a caseload of this size, ACA's are interested in referring as many cases as possible outside the judicial process. For example, the chronic wife beater or neighborhood troublemaker, if suspected of having mental problems, will be referred to the Municipal Court Probation Department



for a psychological evaluation. Likewise, a person found guilty of driving while intoxicated may undergo a pre-sentence investigation by Traffic Court's Probation Department to determine if he is alcoholic so that treatment may be recommended. If agreed to by the victim, the defendant may be ordered to pay restitution in lieu of a trial. Plea bargaining may also be engaged in to reduce trials.

#### INDIGENT DEFENDER

The Orleans Parish Indigent Defender Program (OIDP) was established in 1972 to provide defense counsel for indigent defendants as a protection of Sixth Amendment Rights under the United States Constitution. Generally, Louisiana Revised Statutes 15:145 and 15:146 composed the statutory basis and funding for public defenders offices in each of the Louisiana judicial districts. The OIDP has the responsibility for providing defense counsel for those defendants qualifying as indigent in the ten sections of Criminal District Court, four sections of Magistrate Court, five sections of Juvenile Court, four sections of Municipal Court and four sections of Traffic Court. An Indigent Defender Board is appointed by the judges of Criminal District Court and is composed of local attorneys who oversee program operations. Funding for the program is generated through fines and fees and a small appropriation from the State Legislature.

During 1984 the operating budget of ODP was \$896,434.08 and 43 staff were employed including 32 attorneys. Excluding Juvenile court where statistics are not available, 2,842 cases were referred from Criminal District Court, 972 from Traffic Court and 4,456 from Municipal Court. In Criminal District Court 2,588 were defended; in Traffic Court, 702; and in Municipal Court, 2,773. Only 107 cases were acquitted, 104 of them in Criminal District Court.

## VI

### ADJUDICATION: THE JUDICIAL PROCESS

After an arrest is made (or a summons issued) and the decision to prosecute is completed, the case is set for trial. The courts reviewed in this section are the Criminal District Court, the Municipal Court, and Traffic Court. Also included are the Clerk of Court, Petit Jury and the Coroner's Office.

#### CRIMINAL DISTRICT COURT

Criminal District Court is Orleans Parish's state trial court of general jurisdiction and has appellate jurisdiction over most Municipal and Traffic Court cases. As such, it handles all felony and some misdemeanor cases for the parish.

The Court is divided into 10 sections, A through J, and each judge is elected for a 6 year term. The Magistrate Court was established in 1972 to try misdemeanors, make determinations of bail, appoint counsel, handle preliminary hearings (arrest intake and pending arrests) and issue search and arrest warrants.

## Resources

Working in the court are personnel from three criminal justice agencies-those appointed by the judges, those working for the Clerk of Court, and those working for the Criminal Sheriff. In the 10 sections, each judge appoints his minute clerk and usually a deputy minute clerk, a court reporter and a secretary. The minute clerk records a brief description of court activity known as the minutes, while the court reporter prepares a verbatim transcript of all testimony. At the end of each work day, a copy of the minutes is transferred to the section's docket clerk who is employed by the Clerk of Court to maintain and secure the records for each section and to manage that section's docket. Also working for the Clerk of Court are bond clerks, magistrate clerks, property clerks and closed record clerks. Finally, in each section of court are a court crier, a court captain and 2 deputies provided by the Criminal Sheriff's office for security.

Criminal District Court operates with a budget provided partially by the City and partially by the State. Excluding the Jury Pool, which is covered under a later section, the budget for the Court (Courtrooms and Judicial Administrator) totaled \$3,392,869 in 1984. Altogether the Court employed 106 personnel. The total budget of the Clerk of

Court, \$1,488,345, was funded by the City. The Clerk's office employed 85 people in 1984.

#### Case Flow

After the defendant's appearance in Magistrate Court, the District Attorney determines whether to accept or refuse the case. He may issue a bill of information or go through a Grand Jury to make an indictment.

Once the case is accepted it goes to another Clerk of Court office, General Docket, where it is allotted to one of the 10 trial judges or to Magistrate Court. The allotment process randomly assigns cases to court sections. After allotment, the case goes to the Trial Court Division, within the Clerk of Court's office, where it is given to the appropriate section's docket clerk who sets the arraignment date. Once the defendant enters his plea at arraignment, the pace of the case is controlled by the judge and Assistant District Attorney.

At arraignment the defendant is appointed counsel, either at his expense or through the Indigent Defenders program. For those pleading guilty, the judge sets a date for sentencing and may order a pre-sentence investigation conducted by Probation and Parole Division of the State Department of Corrections. For those pleading not guilty the case is set for trial.

The administrative activities of the court are carried out by the office of the Judicial Administrator who is appointed by all Criminal District Court Judges. That office coordinates personnel, security, budgeting, lobbying and planning functions.

A non-judicial activity of the Clerk of Court's office is managing elections. Five elections were held in 1984. The state pays for all additional expenses required to train commissioners, count votes and other activities.

#### Workload

In 1984, 6,164 persons were tried and 5,843 cases were filed, in Criminal District Court. Over 3,000 or 54% of these cases were felonies. Of the cases tried, over 300 were judge trials and over 500 jury trials.

To handle the increasing workload, the Clerk has reorganized some divisions to work more efficiently and is installing a computer system.

## Interfaces

Whether a misdemeanor case goes to Municipal Court or to the Criminal District Court is to some extent the prerogative of the police, for many acts are violations both of city ordinance and state law. Currently, for example, a policy has been instituted that all prostitution cases will go to Municipal Court.

The Magistrate Judge can put pressure on the District Attorney's office to speed cases by encouraging them to decide quickly whether to accept or refuse a case. He has the power to release people if he feels the District Attorney is acting too slowly.

In 1984 the computerization of many functions in Criminal District Court was begun when the Court Operation Management Information System (COMIS) was installed. With the assistance of the Criminal Sheriff, the system will coordinate arrestee intake information on those detained for trial through Central Lockup. The system, jointly bought and managed by the judges and Clerk of Court, also includes case data, bond information, automated capias printing, calendaring, etc. for three of the ten court sections. When fully implemented COMIS will extend to all 10 court sections and will have the capacity for a fuller statistical analysis of cases than is now available.

## PETIT JURY

If a jury trial is needed, the judge will call for the selection of a jury from a group of potential jurors known as the "Jury Pool" on hand daily at Criminal District Court. Under this system, residents of Orleans Parish 18 years of age or older are randomly selected each month for jury duty. In 1984, 9,018 citizens were called for jury duty.

Persons selected report to the Criminal District Court jury room 2 or 3 days a week for a month. If a trial is scheduled that day, Jury Pool members are called to the various court sections holding trials for questioning by both the defense and prosecution. Defense and prosecuting attorneys can excuse a specified number of prospective jurors during the selection process. In this way some balance among points of view may be brought to the final jury. Although some trials may last for several days or even weeks, most are completed in one day.

The Jury Pool's budget for 1984 was \$296,151, 82.5% of which was funded by the State. In 1984, about 60% of the cases going to trial were tried by a jury.



## CORONER'S OFFICE

The Coroner's Office was established by Article 5 of the Louisiana Constitution as part of the judicial branch of government. Historically, its duty has been to determine the cause of, and make investigations in, any unexplained death. In criminal cases the deaths are suspected murders or suicides. The Coroner also analyzes evidence in rape and sexual abuse cases, and makes preliminary determinations in commitments to mental institutions. As Ex-Officio City Physician he has other public health related functions as follows: inspector of jails, coroner for air disasters, and determiner in organ donations.

### Resources

The Orleans Parish Coroner's Office has a total operating budget of \$842,432 in 1984 and a capital budget of \$434,800. The Office is housed in the basement of the Criminal Courts building which was built in 1929.

In all, 50 persons work for the Coroner's Office. These include the Coroner, Assistant Coroners, pathologists, toxicologists, psychiatrists, investigators, paramedics, administrative personnel, clerks and chauffeurs. Some of these personnel work on contract from LSU Medical School.

### Workload

About one-third of all deaths in Orleans Parish require a Coroner's investigation. In 1984, the Coroner received 4,200 calls for service, and performed 1,256 autopsies, resulting in 207 murder investigations. Rape investigations numbered 538, and 2,009 persons were committed to mental institutions. Fourteen homicide cases due to child abuse were investigated. The Coroner's Office also performed 195 autopsies and/or investigations for other jurisdictions in 1984.

### MUNICIPAL COURT

Municipal Court has jurisdiction over cases involving violations of city ordinances. Since 1975 it also has power to hear violations of state statutes when a jury trial is not required, but this power has been little used. The 4 sections of Municipal Court are designated either First through Fourth or A through D. At 10:00 A.M., cases are heard in First Court, Section A and in Second Court, Section B; and at 4:00 P.M. in Third Court, Section C and in Fourth Court, Section D.

### Resources

Municipal Court judges are elected for 8 year terms. Each of the 4 judges appoints his own Minute

Clerk and Court Reporter and all Municipal Court judges together appoint the Clerk of Court. In the Clerk of Court's office are 2 Assistant Clerks and approximately 40 Deputy Clerks, all Civil Service appointees. About three-fifths of the Deputy Clerks work in the courts setting hearing dates, setting bond, etc., while two-fifths of the clerks work in the Record Room maintaining permanent records. Police Officers provide courtroom security and Criminal Sheriff Deputies deliver summons. In 1984 Municipal Court was budgeted \$1,549,625 and 68 personnel positions.

#### Case Flow

A person may appear at Municipal Court in one of several ways. First, he may be arrested and booked by the police at Central Lock-up. Bond for most Municipal Court cases follows a set schedule according to the charge. For municipal offenses he may also be paroled by any elected official. If he is not paroled or bonded, he will be held in custody until his arraignment, usually held on the next working day. Second, if the police feel that incarceration is not necessary, they may issue the defendant a summons, which like a subpoena, tells him when and where to appear for arraignment. Third, a city agency can file charges at Municipal Court if a violation of one of their regulations

goes uncorrected. Deputies will serve the defendant with an arraignment summons to appear for arraignment.

The time at which the person was arrested determines which section of court he will appear in for his arraignment to enter his plea. If he pleads not guilty, a setting clerk will set the trial date, bail is determined, and the need for a court appointed attorney assessed. Because of the workload at Municipal Court, the trial itself may be held several months later. Trials are reset often so that 6 months can easily pass before an issue is resolved.

#### Workload

Municipal Court receives most of the dispute resolution cases in the city. As one criminal justice official put it, they get "90% of the man bites dog arrests." A study done in 1978 showed that approximately 1/4 of the charges heard in Municipal Court were for public inebriation. Current Clerk's Office workers estimate that the five most frequent offenses are battery, public drunkenness, theft, prostitution and bad checks.

In 1984, 40,145 cases were handled by Municipal Court. A single judge may hear anywhere from less than 10 to over 100 new cases a day.

## TRAFFIC COURT

Traffic Court has jurisdiction over all Orleans Parish cases involving traffic ordinances, over cases involving state highway violations, and over cases involving the violation of a state criminal law, such as hit and run driving or driving while intoxicated, when a jury trial is not required. Any cases requiring a jury and all appeal cases are heard in Criminal District Court.

In 1983 the Street Department took over the parking program for the city. Since processing parking tickets had been the most frequent duty of the Traffic Court, this change has resulted in a major decrease in workload. Chapter 3 details the current parking program.

Traffic Court has 4 sections to hear cases in which the driver chooses to contest his ticket or that require a trial by judge. Two sections hear cases in the morning and, the other sections, in the afternoon. The Violations Bureau, a part of the Clerk of Traffic Court's Office, arraigns most defendants and receives the fines from drivers who choose not to contest their tickets for moving violations.

### Resources

All of the revenues collected in Traffic Court go into the City General Fund. In 1984, \$2,774,278 was collected through the Court and the Violations

Bureau while the Traffic Court's budget was \$1,827,982.

Over 100 people work in Traffic Court. Each judge has his own Minute Clerk, Court Crier, Court Reporter and other workers to process cases. Jointly the judges appoint the Clerk of Court, who has two assistants to oversee the two major sections of his office. The Administrative section handles typing, mail, computerized data processing, court finances, personnel and payroll. The Violations Bureau processes tickets, payments and filings, arraigns most defendants, and prepares the dockets for court sections. Also within the Clerk's Office are process servers and a security officer.

Like all criminal justice agencies, Traffic Court depends on and cooperates with many other agencies in its cases. First, all parking tickets are now processed by the Violations Bureau of the Department of Streets on Howard Avenue. Defendants with parking tickets appear at Traffic Court only if they want to contest their ticket.

Second, most cases appearing before a judge are screened by one of the four Assistant City Attorneys who work with the Court sections. Because driving while intoxicated cases are surrounded by many special state laws, special DWI prosecutors have been designated and a screening attorney and clerk hired. Third, two Indigent Defenders are available

to represent defendants who cannot afford an attorney. Finally, the New Orleans Police Department provides security for the court sections and deputies of the Criminal Sheriff deliver law enforcement subpoenas.

### Case Flow

Most people appear at Traffic Court after a police officer gives them a ticket. The officer may take the driver's license as surety that he will appear for his arraignment. At the arraignment, the driver enters his plea. Almost 90% of the cases are now arraigned by a clerk in the Violations Bureau. Judges arraign defendants only if the driver was brought in under physical arrest, if he was brought in on an attachment, or if the case involves driving while intoxicated. If the driver pleads not guilty to a minor charge not involving an accident, the trial will probably be held on the same day. Otherwise, the trial may be held up to 30 days later to allow time to locate witnesses. When the driver has either been found not guilty or has been found guilty and paid his fine or served his sentence, his license is returned.

In very minor cases, a person may choose to plead guilty, pay his ticket to the Violations Bureau, and have his license returned without going before a judge. Some violations, however, require a

court appearance. They include: driving 16 miles or more an hour over the speed limit, driving while intoxicated, reckless driving, and hit and run driving. Of course, in very serious cases, the driver may be arrested and incarcerated at Central Lockup before his arraignment.

If a person fails to appear for his arraignment, his license may be sent to Baton Rouge and he will have to pay additional fines for its return. If the original charge was serious, an attachment may be issued for his arrest.

#### Workload

A single judge may see 150 people a day and from 2,500 to 4,000 a month. In 1984, 97,047 cases were handled through Traffic Court, all of them moving violations.



## VII

### CORRECTIONS: PROBATION AND INCARCERATION

Once a defendant has been found guilty of a state or municipal offense, he may be sentenced to either probation or incarceration. When he is sentenced to probation, he will report to an officer of the Division of Probation and Parole of the State Department of Corrections, if he committed a state crime; or, to the Municipal Court Probation Office, if a municipal offense; or, to the Traffic Court Probation Department, if convicted of driving while intoxicated.

If he is incarcerated, he may be placed in one of the facilities operated by the State Department of Corrections or of the Parish Criminal Sheriff. Because this report deals with the local criminal justice system, only the facilities of the Criminal Sheriff are described. In addition to providing court security and serving subpoenas and summons, the Sheriff is elected to administer the Orleans Parish prison system. As such, he oversees the Old Parish Prison (OPP), the Community Correctional Center (CCC) the House of Detention (HOD) and, Central Lockup including the booking procedures for arrested persons. He also controls a number of satellite facilities for work release and pre-release prisoners.

## PROBATION

The State Division of Probation and Parole has responsibility for the preparation of pre-sentence investigations, for clemency and pardon reports, and for supervising persons placed on probation by Criminal District Court.

The New Orleans District Office is staffed by a district administrator, six supervisors, and 38 line officers. In 1984 the office supervised 3,696 probationers, work releasees and parolees. Over 1800 pre-sentence, preparolee, clemency and post-sentence investigations were performed.

The Municipal Court Probation Office was created in mid-1981 and was the first probationary supervision to be offered to municipal offenders. Besides providing probation supervision, it diverts offenders to community agencies for services, and oversees financial restitution to victims and work release programs. One of its major functions, however, has been to screen Municipal Court cases for substance abusers, the mentally ill, and victims of other social problems best treated outside the criminal justice system. In 1984 the office was budgeted \$114,332 a large part of which was raised by court fines. It employed a coordinator, a clerk and three probation officers.

The office screened and mediated 3,237 cases. Of that number 94 were put on active probation. A larger number, 275, were diverted to other community agencies or to hospitals for the mentally ill and 176 put on inactive probation. They also screened 310 walk-in cases, and supervised the payment of \$30,065 in restitution.

The Traffic Court Probation Department screens and supervises referrals to it by Traffic Court judges for driving while intoxicated. It refers almost all its clients to private agencies for treatment. In 1984, it was budgeted approximately \$273,413 and employed nine staff, including a coordinator and assistant coordinator, 5 officers, and 2 clerical workers. In 1984 the department received 1,227 referrals.

#### INCARCERATION

In 1984 the Sheriff's office operated with a budget of \$20,431,770. The Sheriff employed 938 personnel with 750 of them security personnel. The remainder of the employees staffed other services, such as courtroom, food service, rehabilitation, etc. In addition, the Sheriff operated, CINTAP, which is a supervised pre-trial release program. During 1984, 2,533 arrestees were released through this program.

The Orleans Parish Prison was opened in 1929 to house 450 inmates. In 1984 its court-ordered maximum capacity was 831 inmates. The inmates live in open dormitories or four-man cells. The jail has a small medical unit, administrative area and limited outdoor recreational space. Its prisoners are pre-trial arrestees, unsentenced offenders, offenders sentenced to the Department of Corrections and those awaiting transfer to other jurisdictions. Services to prisoners at OPP are limited and it has been recommended that its use as a detention facility be stopped; but because of lack of space and funds to build another facility, it is unlikely that this will happen.

The Community Correctional Center was opened in 1977 and designed to hold 448 inmates, with a court-ordered maximum capacity of 944. Each floor has four modules of single-man cells and space for the operation of various programs. Under the federal court order, double bunking of the single-man cells is permissible. It is used almost exclusively by those prisoners sentenced to serve time in Orleans Parish. Most of the rehabilitation programs are located there, including psychological, vocational, drug abuse counseling and educational and recreational programs.

In addition to these facilities, the House of Detention and Central Lock up, which house municipal offenders and some overflow from the other facilities, had a court-ordered maximum capacity in 1984 of 817 inmates. There are also a number of satellite facilities of lesser security for men's work release and women's pre-release. Altogether, the total capacity of the Orleans Parish Prison system in 1984 was 3,147.

During 1984 the estimated average daily population of all prisoners was 2,836, 739 in the Old Parish Prison, 860 in the Community Correctional Center, 801 in the House of Detention, 300 on Work Release, and the remainder in the hospital and satellite facilities. The average daily cost of maintaining a prisoner was estimated to be \$24.00.

Since the summer of 1983 prison overcrowding has resulted in the use of tents to house inmates. This overcrowding was caused primarily by a sharp increase in the number of inmates in custody who were actually sentenced to the State Department of Corrections. Over the year 2,151 prisoners in Municipal charges, 3,017 prisoners on state charges and 179 prisoners on federal charges were incarcerated.

The Sheriff also operates several programs as a community service. In June 1984 he began the OPCS Computers Bus to provide primarily disadvantaged children with a 1 or 2 week exposure to computer technology.

# VIII

## JUVENILE JUSTICE

The criminal justice system responds to juveniles in two ways. First, when juveniles break the law they are treated as delinquents. Second, when juveniles are maltreated by adults, they are treated as victims. Thus almost every criminal justice agency that comes in contact with juveniles has both a punitive and protective function. This section summarizes the workloads and resources of the formal juvenile justice system. For a fuller description of juvenile justice in New Orleans which includes a description of the informal system see \*Juvenile Justice in New Orleans: A Description.

### System Entry

A child enters the formal juvenile justice system in New Orleans either as a delinquent, a child in need of care, or a child in need of supervision, as defined by the Louisiana Code of Juvenile Procedure. A "delinquent" child is one who has committed an offense against the city, state or federal laws. A "child in need

\*Juvenile Justice in New Orleans: A Description: Office of Criminal Justice Coordination, June 1985.

of supervision" is a status offender, one who has been arrested for an offense that would not be a crime if he were an adult, such as truancy or running away from home. A "child in need of care" is one who has been abused or neglected by his parents or caretakers.

Most delinquents and status offenders enter the juvenile justice system after an arrest by a District Police Officer. The Juvenile Division of the NOPD, which conducts followup investigations and screens and interviews arrestees, has 33 commissioned officers and 10 civilian employees. In 1984, approximately 3,900 juveniles were arrested in a total of 4,264 arrest incidents.

A total of 2,191 incidents were cleared by juvenile arrest. The Child Abuse Unit, part of the Criminal Investigation Bureau, investigates the most serious abuse/neglect cases and all cases of institutional abuse. In 1984, 10 commissioned officers and 3 civilians handled a total of 916 abuse or neglect cases.

#### Detention

The district patrol officers must decide whether to "admonish and release" the juvenile or whether to initiate formal procedures. If the officer decides to arrest the child or take them into protective custody, he must take the

child to the Juvenile Division where the district officer files a report. The juvenile officers determine 1) whether to counsel and release the child with a referral to the District Attorney, 2) whether to take the child to a Truancy Center, or 3) whether to take the child into pretrial detention or to an appropriate holding center.

The Youth Study Center is operated by the City Welfare Department and is directed by state law to hold only those juveniles charged with a delinquent act. A child taken into custody as in need of care or supervision is taken to a shelter care facility operated by a private provider.

In 1984, the Youth Study Center operated its 50-bed, capacity (expanded to 62 beds during late 1984) with an adopted budget of \$1,553,746 and 60 employees. In 1984, approximately 1,150 juveniles were detained at the YSC with an average stay of 12.6 days. The YSC also operates, under the control of Juvenile Court, a home detention program called the Community Attention Program. In this program juveniles who have committed less serious offenses are released to the parents under the supervision of a counselor until their case is heard in court. In 1984, 157 juveniles were released to CAP.



## Petitioning

Following arrest or taking into protective custody, the Juvenile Division of the District Attorneys office must determine whether or not to accept the case. If the case is to be taken to court, a petition is filed with the Juvenile Court. The petition begins with the words, "The State of Louisiana in the Interest of ...." indicating the non-adversarial role of the court. When the youth appears in court he must be advised of his right, particularly his right to a hearing on the charges, his right to an attorney, and his privilege against self incrimination. He must be advised of the nature of the charges against him and the nature of the court proceedings. Besides delinquency, status, and abuse/neglect cases, Juvenile Court also handles adoptions and other questions of custody and support. Juveniles who cannot afford a lawyer, and sometimes their parents, can be represented by an attorney from the Orleans Indigent Defender Program.

In 1984 the Juvenile Division of the District Attorneys Office was staffed with 13 employees, 8 of them attorneys. That year 4,414 cases were referred to the court. The screening division refused 1,840 of them. Of

the remainder, approximately one-half were delinquency cases. According to the Office of the District Attorney figures, 997 were found delinquent, 66 in need of supervision, 971 informally handled through probation, 502 referred to a diversion program, 153 referred to another parish, and 173 handled as an adult in Criminal District Court.

The ODP has one attorney attached to each section of court. Although statistics are not available on their workload in Juvenile Court, it is estimated that approximately 85% of the cases require indigent defense.

#### Adjudication

Juvenile Court seats five judges each serving an eight year term. On a rotating basis, each judge acts as administrative judge for one year.

The adjudication hearing, though not in adversarial format, must include presentation of state evidence, presentation of evidence on behalf of the child, rebuttal and closing arguments. Evidence is presented before a judge only; jury trials are not allowed. In fact, any information other than decisions made at the trial affecting the disposition of the case is kept confidential.

In cases of abuse or neglect the child is often put into foster care or a residential program in the custody of the state Department of Health and Human Resources. In these cases the court must exercise continuing supervision after the disposition of the case. The Protective Care Monitoring Program funded by the state is responsible for ensuring that proper service is delivered to abuse/neglect cases in state custody. In 1984, there were some 3,000 such open cases.

The budget of the Juvenile Court in 1984 included \$1,357,415 from the city, \$91,396 from the state for the Protective Care Monitoring Program and \$239,526 in court income. The judges' salaries, approximately \$60,000 each, are paid separately by the state. In all, 67 persons work in Juvenile Court including the judges, their staff, and the 4 persons who work with the Monitoring Program.

According to the first Annual Report of Juvenile Court, the 1984 caseload included: 1,206 delinquency and status cases, 465 neglect/abuse cases, 1,120 cases of non-support, 485 URESA cases, 279 adoptions, 51 cases of abandonment, and 3,100 traffic cases. In all, 4,406 juveniles were handled in delinquency cases and 3,030 in neglect/abuse hearings.

## Corrections

Children who are found to be delinquent are usually either placed on probation with the Division of Youth Services or incarcerated with the Office of Juvenile Services in the Department of Public Safety and Corrections. Until 1985 the Division of Youth Services was a part of the Department of Health and Human Resources, the State "welfare" department, but in an effort to consolidate youth programs was put under the Department of Public Safety and Corrections this year.

In 1984, 43 persons worked in the Orleans Parish branch of juvenile probation office, 19 of them probation officers. Approximately 700 juveniles were on probation in any one month. An estimated 50 probations were revoked for violating the conditions of probation.

Youth to be incarcerated are first sent to the Juvenile Reception and Diagnostic Center in Baton Rouge for evaluation. Based on this evaluation, they are placed in one of the four facilities located throughout the state. The 1984 budget of Juvenile Corrections for the state was \$20,698,549. Some 810 people were employed in juvenile corrections with 435 of them being security personnel. According to Juvenile Correction figures in 1984, 956

juveniles were incarcerated. Of these 133 were from New Orleans. Twenty nine New Orleans youth had already served at least one sentence of incarceration.

Besides probation and incarceration, some youth, either delinquent, status offenders or victims of abuse/neglect, are placed in institutions each year. These may be group homes, residential facilities, or hospitals. The exact figures are not known for these placements but is estimated to be 100 each year.

IX

APPENDIX

- o A Comparison of the Major Crimes Reported to the NOPD During 1983 and 1984
- o Comparison of Violent, Property and Total Major Crimes Reported to the NOPD, By Police District and Year
- o Police District Map
- o Comparison of the Major Offenses Reported During 1983, State vs. City\*
- o A Comparison of 1983 Crime Rates, State vs. City\*
- o Orleans Parish Criminal Sheriff's Office Facilities 1984
- o Orleans Parish Prison Population Characteristics 1984
- o Sentencing Dispositions by Type of Crime -- Orleans Parish

\* NOTE: Crime Rates are computed on 1983 reported crime as a result of the lag time in publishing the FBI Uniform Crime Report.

A COMPARISON OF THE MAJOR CRIMES REPORTED TO  
THE NOPD DURING 1983 AND 1984

OFFENSE	January - 1983	December 1984	PERCENT CHANGE
Murder	212	222	4.7
Rape *	536	554	3.4
Robbery	4,550	4,705	3.4
Assault **	4,009	4,931	23.0
Burglary	10,782	10,821	0.4
Larceny Theft	20,846	22,238	6.7
Auto Theft	4,844	5,234	8.1
Arson	222	227	2.3
TOTAL	46,001	48,932	6.4

\* Included in the number of rapes is the number of attempts,  
or assaults to rape.

\*\* This category includes both simple and aggravated assaults.

VIOLENT, PROPERTY, AND TOTAL MAJOR OFFENSES REPORTED  
BY POLICE DISTRICT -- 1983 and 1984

POLICE DISTRICT	YEAR and % CHANGE	VIOLENT OFFENSES*	PROPERTY OFFENSES**	TOTAL MAJOR OFFENSES
FIRST	1984	1,452	6,141	7,593
	1984	1,550	7,121	8,671
	% change	6.8	16.0	14.2
SECOND	1983	972	5,769	6,741
	1984	1,215	6,098	7,313
	% change	25.0	5.7	8.5
THIRD	1983	1,720	6,844	8,564
	1984	1,940	6,865	8,805
	% change	12.8	0.3	2.8
FOURTH	1983	552	2,624	3,176
	1984	578	2,507	3,085
	% change	4.9	-4.5	-2.9
FIFTH	1983	2,114	5,476	7,590
	1984	2,351	5,791	8,142
	% change	11.2	5.8	7.3
SIXTH	1983	1,849	5,214	7,063
	1984	2,051	4,884	6,935
	% change	10.9	-6.3	-1.8
SEVENTH	1983	641	4,390	5,031
	1984	727	5,025	5,752
	% change	13.4	14.5	14.3
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Citywide***	1983	9,307	36,472	45,779
	1984	10,412	38,293	48,705
	% change	11.9	5.0	6.4

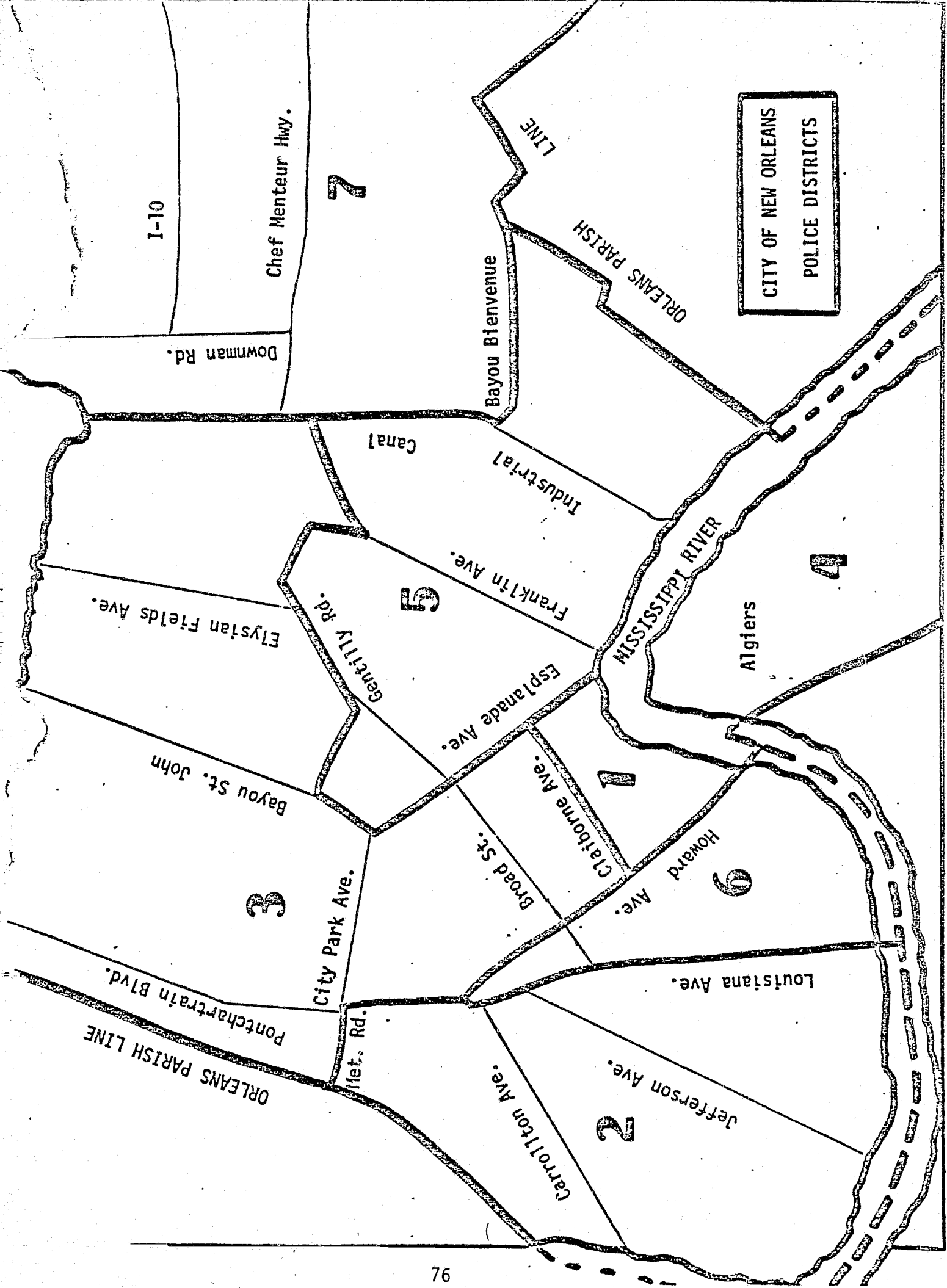
\* Violent offenses include murder, rape (forcible and attempted), robbery (armed and simple), and assault (aggravated and simple).

\*\* Property offenses include burglary, theft, and auto theft.

\*\*\* Data of the seven districts do not add equal to the citywide totals due to lost detail within the data.



CITY OF NEW ORLEANS  
POLICE DISTRICTS



# A COMPARISON OF THE MAJOR OFFENSES REPORTED DURING 1983

## STATE vs. CITY \*

OFFENSE CATEGORY	STATE		CITY		City as a % of State
	Number	Percent	Number	Percent	
Murder	629	0.3	212	0.5	33.7
Rape	1,770	0.8	536	1.2	30.3
Robbery	8,433	3.8	4,550	10.2	54.0
Aggravated Assault	17,612	7.9	2,752	6.2	15.6
Burglary	57,359	25.7	10,782	24.2	18.8
Larceny Theft	123,492	55.4	20,846	46.8	16.9
Auto Theft	13,785	6.2	4,844	10.9	35.1
TOTAL	223,080	100.0	44,522	100.0	20.0
VIOLENT	28,444	12.8	8,050	18.1	28.3
PROPERTY	194,636	87.2	36,472	81.9	18.7

\* State data came from the 1983 FBI publication Crime in the United States and the city data came from the NOPD.

A COMPARISON OF 1983 CRIME RATES \*

STATE vs. CITY

OFFENSES	STATE	CITY
Murder	14.2	36.0
Rape	39.9	90.9
Robbery	190.0	771.8
Aggravated Assault	396.8	466.8
VIOLENT	640.9	1,365.5
Burglary	1,292.5	1,829.0
Larceny Theft	2,782.6	3,536.2
Auto Theft	310.6	821.7
PROPERTY	4,385.7	6,186.9
TOTAL	5,026.6	7,552.4

\* Crime rates are calculated by dividing the number of offenses reported by the population and then multiplying the result by some standardizing figure (in this case, by 100,000). The number thus calculated may then be interpreted as the number of offenses per 100,000 population. The 1983 populations for the state (4,438,000) and for the city (589,508) came from the 1983 FBI publication Crime in the United States.

ORLEANS PARISH  
CRIMINAL SHERIFF'S  
OFFICE FACILITIES

1984

<u>Facility</u>	<u>Court-Ordered Capacity</u>	<u>Average Daily Population 1984</u>
Community Correction Center	944	860
Old Parish Prison	831	739
House of Detention/Central Lock up	817	801
Work Release:	382	300
Fisk School		
Thalia Street		
Conchetta		
Broad Street		
Emergency Detention Center	-	130
Hospital	-	6
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TOTAL	2974	283
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NOTE: Functional capacity is generally less than the number allowed under the court ordered capacity.

SOURCE: Orleans Parish Criminal Sheriff's Office, Jail Population Growth in New Orleans and Nolan, Holcombe and Apatini, Prison (Jail) Facility Requirements Orleans Parish Louisiana.

ORLEANS PARISH PRISON  
POPULATION CHARACTERISTICS

1984

<u>Classification</u>	<u>Number Accepted Over Year</u>
Municipal Charges Sentenced and Unsentenced	2151 (40%)
Federal Charges Unsentenced	179 (3%)
State Charges Sentenced, Unsentenced and Awaiting Transfer	3017 (57%)
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TOTAL	5347 (100%)
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SOURCE: Orleans Parish Criminal Sheriff's Office,  
Jail Population Growth in New Orleans, and Nolan,  
Holcombe and Apatini Prison (Jail) Facility  
Requirement Orleans Parish Louisiana

SENTENCING DISPOSITIONS BY TYPE OF CRIME  
ORLEANS PARISH

<u>Crime</u>	<u>State Prison</u>	<u>Local Jail</u>	<u>Probation</u> -----	<u>Other</u> -----	<u>Total</u> -----
Murder	22(92%)	0	2(8%)	0	24(100%)
Rape	9(100%)	0	0	0	9(100%)
Battery	12(36%)	8(24%)	13(39%)	0	33(100%)
Burglary	157(63%)	30(12%)	61(24%)	2(1%)	250(100%)
Theft	41(16%)	83(33%)	123(49%)	3(1%)	250(100%)
Drugs	36(32%)	11(10%)	64(56%)	3(2%)	114(100%)
Robbery	94(78%)	12(10%)	14(12%)	0	120(100%)
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TOTAL	371(46%)	144(18%)	277(35%)	8(1%)	800(100%)
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Compiled from information collected in response to The Scales of Justice: Sentencing Outcomes in 18 Felony Courts, by Mark A. Cuniff, BJS/NACJP Statistical Series Project, December 1984.