

# City of New Orleans

The Mayor's Criminal  
Justice Coordinating Council

November 1997

## AN ANALYSIS OF THE STRUCTURE AND OPERATION OF THE NEW ORLEANS MUNICIPAL COURT

Prepared by  
Ernest N. Morial, Chairman  
Ernest N. Morial, Chairman  
Ernest N. Morial, Chairman  
Ernest N. Morial, Chairman

63811

ERNEST N. MORIAL, Chairman

AN ANALYSIS OF THE STRUCTURE AND OPERATION  
OF THE NEW ORLEANS MUNICIPAL COURT

Prepared by  
The Mayor's Criminal Justice  
Coordinating Council

November 1979

Frank R. Serpas, Jr., Executive Director  
Richard Brown, Chief Planner  
Greg Ridenour, Principal Researcher  
Carol Swaim Peirce, Editor

**NCJRS**

DEC 26 1979

**POSITIONS**

THE MAYOR'S CRIMINAL JUSTICE  
COORDINATING COUNCIL  
Mayor Ernest N. Morial, Chairman

## TABLE OF CONTENTS

### EXECUTIVE SUMMARY

INTRODUCTION	1
I. ANALYSIS OVERVIEW	3
II. THE STRUCTURE OF MUNICIPAL COURT	6
A. State Law	6
B. Municipal Court Judges	6
C. Caseload Allotment	7
D. Clerk's Office	8
E. Subpoenas and Attachments Division	9
F. Social Services	9
III. THE OPERATION OF MUNICIPAL COURT	10
A. Entry Into the System	10
B. Pre-Arrest Release	12
C. Arrest	14
D. Post Arrest	17
1. Paper Flow	17
2. Health Department Cases and Summons File	20
3. Issuing of Attachments	21
E. Pre-Trial Delay	23
F. Pre-Trial Release	25
1. "No Shows"	25
2. Dropped Charges	27
G. Social Services	29
IV. RECOMMENDATIONS AND SUMMARY	31
V. APPENDIX	

**EXECUTIVE SUMMARY**

**An Analysis of the Structure and Operation  
of the New Orleans Municipal Court**

**Prepared by:**

**The Mayor's Criminal Justice  
Coordinating Council**

## INTRODUCTION

This report examines the structure and operation of the Municipal Court in New Orleans. The structure section is an overview of the way the Court is organized and staffed. The operation section, which will only be touched on in this summary, is a detailed description of the complicated flow of people and paper through the Court and Clerk's office. The charges are profiled and the social services available through the Court are discussed. Finally, a number of recommendations are made, some of which could have an immediate effect, along with others which must be viewed as long range goals.

This report was prepared by the staff of the CJCC. Greg Ridenour was the principal researcher. However, this effort could not have been completed without the cooperation of the judges and clerk of Municipal Court, the help of the Municipal Court social service staff, the City Attorney's office, and the New Orleans Police Department.

## BACKGROUND

The Municipal Court for Orleans Parish is a criminal court of limited jurisdiction with authority to hear cases involving violations of municipal ordinances, and since 1975 with authority to hear cases involving violations of State statutes which are not triable by a jury. When exercising this concurrent jurisdiction, the judges follow the same procedures as are followed in Criminal District Court. This has evidently not been extensively used. The Municipal Court for New Orleans was created in 1948 by an act of the Louisiana Legislature (LSA R. S. 13:2491). It replaced the police courts, called the Recorders Courts, which had existed since 1912. The 1921 constitution, Article 7,<sup>S</sup> 94 provided that there shall be a "Municipal Court of New Orleans". Article 5 § 32 of the 1974 constitution continued unchanged various parish offices in Orleans and specifically the Municipal Court. Additional procedures regulating Municipal Court by the City Council are found in 828 MCS, Section 40-10.

## STRUCTURE

There are four sections of Municipal Court. They are designated First, Second, Third and Night Municipal Court, but are also referred to as Section A, B, C and D respectively.

There is a judge for each section. They are elected for 8 year terms in city-wide elections. Municipal Court judges are paid \$26,423 per year by the City and \$10,000 per year by the State for hearing concurrent jurisdiction cases. Each judge appoints his or her minute clerk and court reporter. The judges en banc appoint a clerk, who in turn appoints an Assistant Clerk of

Court. The Assistant Clerk, additional deputy clerks and clerical support personnel are selected from City Civil Service eligibility lists.

Cases for arraignment are allotted to the four sections of court on the basis of the time of day of the arrest. For example, if a person were arrested between 10:00 p.m. and 7:00 a.m. on Monday night/ Tuesday morning, the arraignment would be at 10:00 p.m. on Tuesday night in Night Court. If the arrest had been made between 7:00 a.m. and noon on Monday, then the arraignment would have been in Section A at 10:00 a.m. on Tuesday. Section B convenes at noon for arraignment for arrests made between noon and 5:00 p.m. the previous day, and arrests between 5:00 p.m. and 10:00 p.m. set for arraignment in Section C at 4:00 p.m. If additional hearings are required, these cases are allotted to Section A, B, C on a rotating basis.

Night Court is primarily reserved for arraignments. The judge in Night Court may summarily try cases if the defendant so wishes. If the defendant seeks a delay before trial then normally the trial would be allotted to Section A, B, or C, unless the defendant specifically requests a trial at night.

All cases involving violations of the Health, Housing and Building Codes are allotted to Section A. Section B is assigned all cases involving theft of electricity from utility companies. These assignments are made because of the need for specialization. These cases are relatively complex and require specific knowledge beyond criminal jurisprudence.

The Clerk's office is responsible for maintaining the records of the court, preparing the docket, issuing subpoenas, storing evidence and handling all bail bond monies and documents. The Clerk's office is staffed by fifty people. Thirty-one work in the Courts and nineteen work in the records room. Roughly three quarters of the employees are classified Deputy Court Clerk II's with a salary range of \$556-\$782/mo. Although this is a very low salary, there are other considerations. Generally the employees are divided by court section and they work while that section of court is in session. When their work for the day is completed, they leave for the day. Court employees also enjoy more holidays than other employees, because the courts are closed on Federal, State and local holidays.

The Municipal and Traffic Courts have a small social service staff of three, originally assigned to work with alcohol abusers under an NIAAA grant. In actuality, their duties have expanded well beyond the area of alcohol abuse to include all facets of social services.

#### OPERATIONS

Perhaps the easiest way to summarize the operation of Municipal Court is to follow the case flow beginning with arrest and ending with the disposition. There are (4) ways in which a defendant may be charged and enter the Municipal Court system:



(1) Arrest and booking by the police. This happens in approximately 78% of the cases.

(2) Issuance of a summons by the N. O. P. D. This occurs in cases where the Officer feels that the incident is of a minor nature or the subject is deemed responsible enough so that actual arrest and incarceration are not necessary. This occurs in roughly 11% of the cases.

(3) The third way in which a defendant may be brought to court is by an affidavit from a city agency such as the Vieux Carre Commission, the Department of Safety and Permits, Health Department, and Fire. About 5.6% of the charges were filed by municipal agencies other than the police.

(4) Finally, any person who feels he or she has been the victim of a municipal offense can make a complaint against the offender by going to the office of the Clerk of Municipal Court and filing an affidavit. Charges filed in this way are referred to as "walk-ins". "Walk-ins" make up 6.5% of the caseload.

#### PROFILE OF CHARGES IN MUNICIPAL COURT

During the last six months of 1977 and the first six months of 1978, approximately 45,000 charges were filed in Municipal Court. While many of these charges are of a minor nature, it can be seen from the following list of selected charges that cases of a more serious nature are also handled:

<u>Charge</u>	<u>Freq. (Approx)</u>	<u>%</u>
Public Inebriation	11,000	24%
Battery	4,500	10%
Assault	1,400	3%
Disturbing the Peace	5,200	12%
Theft.	3,600	8%

Though it is difficult to determine from available records, at least 2600 cases of family violence, including spouse and child abuse, came to the attention of Municipal Court during the one year period covered by this study. Family violence cases are often found under seemingly innocuous charges such as disturbing the peace, battery and even public inebriation.

Family violence cases require a prompt, effective response from the criminal justice system if dangerous escalation of the situation is to be avoided.

Public inebriation is further considered here as a serious offense because of the great negative social impact it has on the individual and his family, and because of the economic drain the chronic alcoholic has on the criminal justice system.

#### PRE-ARRAIGNMENT RELEASE

Individuals who are detained prior to arraignment may obtain their release in several ways:

- (1) Cash bond
- (2) Parole by an elected official
- (3) Surety bond

According to our data, 39.2% of the individuals arrested on municipal charges remained in CLU prior to arraignment, while 14.6% were released on parole and 22.2% posted bond. For 13.1% of the charges examined, no information was available.

## ARRAIGNMENT

At the arraignment, the defendant is read the charge and the defendant pleads guilty or not guilty. In at least 33.9% of the cases sampled for this study, the defendant pled not guilty while in a minimum of 26.6% of the cases the defendant pled guilty. Unfortunately, in 39.5% of the cases examined it was not clear from the data available what happened.

Those going to trial are questioned by the judge regarding their need for court appointed counsel. The OI DP provides legal representatives for those unable to afford a private attorney.

The following is a breakdown of the actions taken at arraignment for the sample analyzed:

Category Label	Code	Absolute freq	Relative freq (%)	Adjusted freq (%)	Cum freq (%)
UNKNOWN-NA	0.	6283	13.9	13.9	13.9
CASH BOND	1.	3556	7.8	7.8	21.7
SURETY-BOND	2.	559	1.2	1.2	22.9
ROR	3.	4521	10.0	10.0	32.9
PAROLED	4.	1016	2.2	2.2	35.1
SENT TO HOD	5.	2083	4.6	4.6	39.7
DISPOSITION	6.	26940	59.4	59.4	99.1
CORONER	7.	406	0.9	0.9	100.0
	Total	45364	100.0	100.0	

Some 59.4% of all cases result in a disposition at arraignment. Of this total, 56% result in a sentence, that is, the defendant is found guilty, pleads guilty or forfeits bond. Of those cases which are set for trial, 27% result in a sentence. Together 43% of all charges result in a conviction. The remaining 57% do not. Most of

the charges which do not result in a conviction are dismissed or nol prossed for one reason or another. The most frequent single reason is that complaining witnesses do not appear (25.4%). Another 5.9% of cases were dropped at the request of the complaining witness. In addition a significant number of cases are dismissed or nol prossed by the court and the City Attorney's Office.

Though difficult to measure, it can be reasonably assumed that this large percentage of dismissals has a negative impact on the criminal justice system both in terms of lost resources and loss of public confidence.

#### TIME FRAMES

For set cases as a whole, or cases which are not disposed of at arraignment, the average length of time from arrest (or filing of an affidavit) to disposition is 56.3 days. For "walk-ins", which are included above as set cases, the average time from filing of the complaint to the date of disposition is 81.2 days. In most cases, first appearances for "walk-ins" are set 30 days or longer after charges are filed.

A number of problems can be attributed to this apparently overly long process. Evidence is lost, witnesses and complainants become discouraged and cases are dropped. Perhaps of most importance, cases involving family abuse and neighborhood disputes are not remedied before escalating to a more serious level. Finally, public confidence in the court system is further eroded.

## INFORMATION FLOW

The flow of information within Municipal Court is an extremely complicated process (the main text of this report provides a detailed description of this process), and one that in some cases is unnecessarily cumbersome and slow. Three major problems which are a result of this inadequate information system are as follows:

(1) Judges do not have easy access to arrest histories and background information on defendants for use in making sentencing decisions.

(2) The flow of information between Municipal Court and the N. O. P. D. regarding issuance and retraction of Attachments is poor. Dispositions made by the court are not provided to the N. O. P. D. in a timely fashion.

(3) The court suffers from an overall lack of information regarding its own operation which could be used to make effective management decisions.

## RECOMMENDATIONS

This examination of the structure and operation of Municipal Court suggests that the Court is doing an adequate job given the lack of resources available to it. However, much work needs to be done and the following are six areas in which changes should be considered:

(1) A judicial administrator should be added to the court's organization.

The Municipal Court operates on a budget of over \$500,000 annually and is staffed with over sixty full time employees. There is a clear need to have one person who can relieve the judges and

the clerks of fiscal, property and personnel management responsibilities.

Further, the administrator could work to improve the services available to the court including maintenance, data processing, and financing.

Finally, this individual could initiate and coordinate efforts to obtain federal funds for improving the social services offered by the court, to reduce lengthy court delays and to oversee the development of a modern management information system.

(2) All manually kept Municipal Court records should be automated.

Funds should be allocated to the Municipal Court to hire two Data Entry Operators to update N.O.P.D. records with Municipal Court dispositions and attachments, and to work on the backlog of unentered cases.

Within two years of meeting these two immediate data needs, all manual court records, past and present, should be automated. Programming services must be provided so that the court can begin to access information in an efficient manner.

(3) A system of social services in Municipal Court should be institutionalized.

The proposed social service department should be institutionalized immediately but with the understanding that this is only a starting

point. As long as the public continues to turn to Municipal Court for crisis intervention services, the court must be prepared to provide these services.

(4) Alternative methods of dispute settlement should be implemented.

Alternative ways should be examined for resolving minor disputes between citizens, such as property damage and bad checks, other than through lengthy, expensive court action. Neighborhood justice centers and dispute arbitration have been tried successfully in other jurisdictions and should be implemented here.

(5) A screening and diversion program should be implemented in Municipal Court.

A screening and diversion program operated by the City Attorney's office would serve to determine those cases, for example, neighborhood disputes and family disturbances, which should be diverted to other counseling and treatment agencies, as opposed to prosecution in Municipal Court.

Because an offender's anti-social behavior may be modified through these programs, recidivism will be reduced. Screening certain cases out of Municipal Court will also help reduce the number of incarcerations and reduce the crowding of court dockets.

(6) Alternative methods of handling cases of public intoxication should be implemented.

Public intoxication is the single largest category of cases handled in Municipal Court. In order to significantly impact this problem, the cooperation of the police and the judges will be necessary.

The Police Department should encourage selective enforcement of public intoxication laws, and the judges should not sentence public inebriates to lengthy jail sentences. Rather, a detoxification center should be instituted as an immediate, short-range response to the problem.



## INTRODUCTION

The Municipal Court for Orleans Parish is a criminal court of limited jurisdiction, with authority to hear cases involving violations of municipal ordinances, and with authority to hear cases involving violations of State statutes which are not triable by a jury. In 1978, there were 45,364 new charges filed in Municipal Court. Many of the charges in Municipal Court involve minor occurrences, public intoxication, drinking from open glass or metal containers, or failure to keep one's property free from weeds and trash.

Charges of a more serious nature are also handled in Municipal Court. Battery and assault cases are numerous in Municipal Court, as are various types of theft cases. Disturbing the peace, which usually means threatening another person, is also a frequent charge. In many of the cases of assault, battery, and threats, the incident involves a neighborhood disturbance, or family violence, such as spouse or child abuse. Examination of case records and discussions with the court's social service staff clearly indicate that these minor disturbances, if left unattended often become more serious. By the time the case reaches Municipal Court, the dispute or the abuse has been going on for some time. If a resolution is not found, then the situation will likely grow worse. These are situations which can continue to worsen until one individual, a neighbor, a spouse, or a child, is seriously injured or killed, and another individual is faced with a serious state felony charge.

This study was undertaken to examine the processes at Municipal Court and to produce a problem analysis which documents these problem areas. In the past, Municipal Court has been neglected and the serious impact of this court on the lives of many citizens has been overlooked. Various problem areas, such as the lack of data processing services and adequate social services, have arisen with little attention given to alleviating them. No statistical analysis of the cases handled at Municipal Court has ever been conducted, so that the make-up of the caseload through Municipal Court has been largely unknown.

In this report, the caseload, the structure and operation of the Municipal Court, and the social services will be examined. The structure section is an overview of the way the court is organized and staffed. The operation section is a detailed analysis of the complicated flow of people and paper through the court and the clerk's office. The caseload will be profiled and the social services available through the court will be discussed. A number of recommendations, some of which could have an immediate effect and others which require a longer term for implementation, will be offered.

This report was prepared by the staff of the Mayor's Criminal Justice Coordinating Council with the cooperation of the Judges and Clerk of Municipal Court, with the help of the court social service staff, and after consultation with the City Attorney's office and the New Orleans Police Department. It is hoped that this report will focus attention on Municipal Court and foster discussions of the problems of the Court and the services that the Court can provide.

## I. ANALYSIS OVERVIEW

The CJCC Planning Division sampled the case files in Municipal Court in order to learn what types of cases were being handled and what the dispositions were. The analysts first determined that in 1978 the court handled 45,364 charges. Of these, there were 16,865 set cases, 1,609 Health Department cases, and 26,890 Summons File cases. A sample of 681 cases was randomly drawn from these three files. There were 332 cases taken from the set case file, 47 cases from the Health Department File, and 302 cases from the Summons file. Each of these cases was weighted so that it was possible to estimate various statistics for 1978.

For each case, the analysts recorded the age, race, sex, and charge. In addition to this, the following data were recorded:

- date the charge was filed
- date of the arraignment
- date of the trial
- date of the disposition
- defendant's plea
- number and reason for continuance
- disposition of the case
- amount of the fine
- length of jail sentence
- whether the defendant had a choice between jail and fine
- means of pre-arraignment and pre-trial release
- length of detention
- whether an attachment was issued
- whether probation, restitution, or a peacebond was ordered
- whether the fines or jail sentences were suspended or served
- whether any bail or bond money was forfeited

The data was coded, entered into a computer system, and statistically analyzed. A table showing the numbers of various charges for 1978 is attached along with a table of case dispositions (See Appendix).

The numbers appearing in this report are based on that analysis. Most of the numbers are estimates, subject to certain error considerations. Those absolute frequencies which are very low are subject to the greatest error, however, the fact that those charges represent

a fraction of a percentage point is the significant piece of information that one can have from the analysis.

One source of error in the analysis is the quality of the records themselves. Because of the high caseload there is little time to double-check the records for completeness. This does not reflect upon the accuracy of the records or their availability. It also does not affect the rights of defendants for appeals, since tapes of proceedings are kept, from which transcripts can be prepared. The condition of the records does affect the ability to collect complete and accurate data for analytical purposes. Many times, demographic information is incomplete. Also, because each section of court operates independently, interpretation and comparison of cases is sometimes difficult.

In addition to the 11,000 cases of public inebriation, there were 4500 cases of battery, 1400 cases of assault, 5700 cases of disturbing the peace, which usually means threatening to harm another person, and 3600 cases of theft. The 45,000 charges were lodged against 30,000 individuals.

One can also learn from the data that at least 2600 cases of family violence, that is spouse or child abuse, came to the attention of Municipal Court. There is some indication that the police will normally refer spouse abuse cases, which almost always means wife beating, to Municipal Court rather than Criminal Court.

There are a number of reasons why abuse cases are referred to Municipal Court. Partially this grows out of a realization that a large number of these cases are dropped by the complaining witness. It is certainly true that many family violence cases are dropped by the complainants, maybe as many as 70%. Sometimes the dispute was

not very important, or severe. Sometimes the woman allows her emotional needs and fear of lost affection or financial support to overtake her better judgment. Often women will drop charges because of fear of further abuse, injury or death.

It is also a partial result of the belief that many police officers have that the District Attorney's office will not readily accept family violence cases. The District Attorney's criteria for accepting cases are much more stringent than those in Municipal Court, and the process is more time-consuming.

A woman who has been beaten needs immediate assistance. Municipal Court, limited though it may be, can provide some assistance. Unfortunately, one result of this process is that serious aggravated battery cases sometimes go to Municipal Court instead of Criminal District Court.

## II. THE STRUCTURE OF MUNICIPAL COURT

### State Law

The Municipal Court for New Orleans was created in 1948 by an act of the Louisiana Legislature (LSA R.S. 13:2491). It replaced the police courts called the Recorders' Courts which had existed since 1912. The 1921 Constitution Article 7, §94 provided that there shall be a "Municipal Court of New Orleans." Article 5, §32 of the 1974 Constitution continued unchanged various parish offices in Orleans Parish and specifically the Municipal Court. Additional procedures regulating Municipal Court by the City Council are found in 828 M.C.S., Section 40-1.

### Municipal Court Judges

There are four sections of Municipal Court, in which judges are designated for each section. The judges are elected for eight year terms in city-wide elections. Each judge appoints his or her own minute clerk and court reporter. The judges en banc appoint a Clerk, who in turn appoints an Assistant Clerk of Court. The Assistant Clerk, additional deputy clerks, and clerical support personnel are selected from City Civil Service eligibility lists.

Municipal Court judges are paid \$26,423 per year by the City. The judges are also paid \$10,000 per year by the State for hearing concurrent jurisdiction cases. Courts are actually in session for 2 to 3 hours each week day.

The judges have jurisdiction over all trials of alleged violations of City ordinances. Additionally, since 1975, they have had the authority to hear cases involving state statutes which are not triable by a jury (LSA R.S. 13:2493B). When exercising this concurrent jurisdiction, the judges follow the same procedures as are followed in Criminal District Court. This concurrent jurisdiction has evidently not been extensively used yet.

#### Caseload Allotment

The four sections of Municipal Court are designated First, Second, Third, and Night Municipal Court, but are also referred to as Section A, B, C, and D, respectively. Cases for arraignment are allotted to the four sections of court on the basis of the time of day of the arrest. For example, if a person were arrested between 10 p.m. and 7 a.m. on a Monday night, the arraignment would be at 10 p.m. on Tuesday night in Night Court. If the arrest had been made between 7 a.m. and noon on Monday, then the arraignment would have been in Section A at 10 a. m. on Tuesday. Arrests made on a Monday between noon and 5 p.m. would have arraignments at noon on Tuesday in Section B, and arrests made on a Monday between 5 p.m. and 10 p.m. would be set for arraignment in Section C at 4 p.m. on Tuesday.

If additional hearings are required, then cases are allotted to Sections A, B, and C on a rotating basis. Night Court is primarily reserved for arraignments. The judges in Night Court may summarily try cases if the defendant so wishes. If the defendant seeks a delay before trial then normally the trial would be allotted to Section A, B, or C, unless the defendant specifically requests a trial at night.

An exception is made for cases involving violations of the Health, Housing, and Building Codes, which are allotted to Section A. This is to minimize the inconvenience to both defendants and the City inspectors. It also allows for a certain amount of specialization by the judges. The various cases are relatively complex and require knowledge beyond general criminal jurisprudence.

Similarly, Section B is assigned all cases involving theft of electricity from utility companies. This is done as a convenience to the complaining witnesses. It is also supposed to provide for more uniformity judicially in checking these two problems, and it is intended to improve the Court's ability to keep informed about repeat offenders.

#### Clerk's Office

The Clerk's office is staffed by fifty people, thirty-one work in the courts and nineteen work in the Records Room. About three-fourths of the employees are classified Deputy Court Clerk II with a salary range of \$556-782 per month. Although this is a very low salary considering the sensitivity of court records, there are other considerations.

Generally, the employees are divided by section of court. They work while that section of court is in session, or before or after as is appropriate for their assignments. When their work for the day is completed, they leave for the day. Court employees also enjoy many more holidays than other employees, because the courts are closed on Federal, State, and local holidays.

This arrangement is convenient for most, however, it does create certain feelings of animosity. Those who feel they have more work are often jealous of those who appear to finish earlier. Employees



in other agencies who are required to work a more structured schedule also voice feelings of envy toward the court employees. A potentially more serious problem occurs because some professional level employees in some of the City administrative departments do not respect the court employees. The result is that they do not take seriously the court's request for money, more staff, or assistance. This hinders the court from making self-improvement efforts.

The court also lacks anyone sufficiently skilled in budget preparation and administration. As the City's budgetary process becomes more complex, more qualitative, and changes from year to year, the successful competition for funds becomes more dependent on sound and up-to-date fiscal management and public administration skills. The court does not have anyone with such skills specifically assigned to budget preparation, and so lacks an adequate advocate for the court's needs and problems.

#### Subpoenas and Attachments Division

The Municipal and Traffic Courts have a jointly operated Subpoenas and Attachments Division which serves the defendants and witnesses with final notices, subpoenas, and other documents. Police officers staff this unit, and are also assigned to provide security in the court rooms.

#### Social Services

The Municipal Court has a small social service staff consisting of 3 individuals who were originally assigned to work with alcohol abusers. More recently their duties have expanded, and they respond to a greater cross-section of social service cases. At the present time the court is trying to establish a full-fledged probation department.

### III. THE OPERATION OF MUNICIPAL COURT

The Clerk's office is responsible for maintaining the records of the Court, preparing the docket, issuing subpoenas, storing evidence and handling all bail and bond monies and documents. To understand the operation of the Clerk's office, it will be useful to follow a typical case through the Court. A chart of the flow of documents through the Court's system is attached for reference purposes (See Appendix - Figure 1).

#### Entry Into The System

There are four ways in which a defendant may be charged in Municipal Court (See Table 1). The most common way is as the result of a police arrest. If the police make an arrest on a municipal charge, the subject will usually be transported to Central Lock-up for booking, and will be held there until his or her arraignment.

A police officer in responding to a complaint may decide that an actual arrest and incarceration is not needed. This occurs when an incident is of a minor nature or a subject is responsible enough not to warrant this action. The officer has the discretion to issue the subject a summons which instructs the defendant when and where to appear for arraignment.

Of all the cases, 87.5% were the result of a police complaint. In approximately 4800 cases, or 10.8% of all cases, only a summons was issued, so that 76.7% of all cases were a result of police arrest and booking.

TABLE 1  
 ENTRY INTO THE SYSTEM  
 MUNICIPAL COURT 1978

SOURCE OF COMPLAINT	FREQUENCY	% TOTAL
UNKNOWN	170	0.4
POLICE	39,691	87.5
WALK-IN	2,946	6.5
OTHER AGENCY	2,556	5.6
TOTAL	45,364	100.0

SOURCE: Municipal Court Files, 1978

The third way in which a defendant may be brought to court is by an affidavit from a City agency. The Vieux Carre Commission, the Department of Safety and Permits, the Health Department, the Fire Department and the Sanitation Department all have enforcement responsibilities relative to various sections of the Municipal Code. If a violation is observed and the agency cannot obtain compliance with its order to correct the situation, then the agency can file charges in Municipal Court. An arraignment date is set and the defendant is served with an arraignment notice. No bail or bond is required prior to arraignment, but at the arraignment, the judge might require a bond just as in any other case. About 5.6% of the charges were filed by municipal agencies other than the police.

Finally, any person who feels he or she has been the victim of a municipal offense can make a complaint against the offender by going to the office of the Clerk of Municipal Court and filing an affidavit. The affidavits are prepared by one of two affidavit clerks. If they have any questions concerning the appropriateness of a charge, they are able to contact one of the Assistant Attorneys working in Municipal Court for an opinion. They also consult with the Assistant Clerk of Court. Most cases, however, are not screened in any way prior to the arraignment. Charges filed in this fashion are referred to as "walk-ins". Walk-ins make up 6.5% of the case load.

#### Pre-Arraignment Release

Individuals who are being held for arraignment may be released prior to the arraignment in one of several ways (See Table 2). There is a set schedule of bail amounts for municipal charges. The defendant may post a cash bond in the amount required. The defendant might also

TABLE 2  
PRE-ARRAIGNMENT  
MUNICIPAL COURT

CATEGORY	FREQUENCY	% TOTAL
Unknown	5927	13.1
Stayed in Central Lockup	17788	39.2
Bonded	10084	22.2
Paroled	6634	14.6
Summons	4881	10.8
Coroner	51	0.1
Total	45364	100.0

SOURCE: MUNICIPAL COURT FILES, 1978

arrange for a surety bond in the required amount through a bonding agency. The individual may also be paroled. The State statutes (LSA R. S. 15.81 et. seq.) provide that an elected official may request the release of a person arrested for a municipal violation, without bail being posted. At the arraignment, the judge may continue the release or may impose additional conditions or require bail. The judges may also revoke the parole power of officials who make injudicious use of their parole powers.

For 1978, defendants remained in Central Lock-up pending arraignment for 39.2% of the charges. For 22.2%, bond was posted, and 14.6% were released on parole.

#### Arrestment

At the arraignment the defendant is read the charge and the judge explains to the defendant his or her rights. The defendant then pleads guilty or not guilty. If the defendant pleads not guilty (at least 33.9% of the cases), then the defendant is questioned concerning the need for court appointed counsel. The Orleans Indigent Defender provides legal representation for those who could not afford a private attorney. The judge then makes a determination concerning bail, and then setting Clerks set a date for the trial. If the defendant is indigent and therefore appears unlikely to be able to raise bail money, then the trial date will be set for as soon as possible, almost always within ten days after the arraignment. For other defendants, the trial may be set several weeks or occasionally several months in the future.

It occasionally happens that the defendant will request that the trial be held immediately. If all of the witnesses are present

and the prosecution is agreeable, then the judge may consider the facts of the case at that time. It is very rare that this occurs.

If the defendant pleads guilty (at least 26.6% of the cases) then the judge may sentence the defendant immediately, or may set a date for sentencing in order to obtain more information about the defendant's character and responsibility. The judge may also delay sentencing to allow a defendant to make restitution, in appropriate cases.

The mean number of days from arrest to disposition of the case is 22.8 days. The longest time discovered in the sample was 471 days, a very long time for a Municipal Court case. The median time from arrest to disposition was 2.3 days, which means that almost half of all cases are disposed of in two days or less.

After the first appearance, the arraignment, 9.0% were released on bond, 10.0% were released on their own recognizance, 2.2% were paroled, 4.6% were held in the House of Detention and 0.9% were sent by the Coroner to Charity for medical or psychiatric treatment (See Table 3). However, 59.4% of the charges were disposed of at arraignment. In these cases, either the charges were dropped or dismissed or the defendant pled guilty.

More precisely, of those cases which resulted in a disposition at the first appearance, 46.7% were found or pled guilty, and an additional 9.6% failed to show up in court and their bond was forfeited. The remaining 43% were dismissed or nol prossed for a variety of reasons. The most frequent reason being that the complaining witness failed to appear in court to testify against the

TABLE 3  
ARRAIGNMENT  
MUNICIPAL COURT 1978

RESULT OF FIRST APPEARANCE	FREQUENCY	% TOTAL
Unknown	6283	13.9
Cash Bond	3556	7.8
Surety Bond	559	1.2
Released on Recognizance	4521	10.0
Paroled	10116	2.2
Sent to House of Detention	2083	4.6
Disposition	26940	59.4
Coroner	406	0.9
Total	45364	100.0

SOURCE: MUNICIPAL COURT FILES, 1978



defendant. Of those cases disposed of at the first appearance, 27.5% were dropped because there was no complaining witness, and an additional 4.6% were dropped at the request of the complaining witness.

Deputy Clerks located in the back of the courtroom set the trial dates. The Clerks select a date with regard to keeping the caseload evenly distributed. However, they do so without any communication with the judge. This leaves open the possibility of certain cases being delayed for considerable lengths of time when, because of the nature of the cases, they should be resolved expeditiously.

The Clerks are responsible for maintaining a Trial Docket Book for each section of court. This is maintained in chronological order and shows each case number or summons number, the defendants' name and the action taken. A duplicate version is prepared in the Records Room. This is updated during each session of court.

#### Post Arraignment

Paper Flow - After arraignment, assuming that the defendant pled not guilty, and the case was set for trial, the Clerk's office becomes responsible for the case records. In the back of the courtroom, the clerks have a large book called the Allotment Book. It is very simply a numeric listing of six digit numbers, followed by a letter "A", "B", or "C". The clerk picks the next available unassigned number, so that any case will have the same probability of being assigned to any section of court. An entry is made of the defendant's name and the number from the summons issued by the Police Department.

The clerk then turns to the Setting Book in which each case allotment for each section of court is recorded. At this point, the clerk has a great deal of discretion and little in the way of directive guidelines for deciding when to schedule the trial. Essentially, the clerk will try to balance the daily caseload for the various sections.

As mentioned earlier, if the defendant is to be returned to the House of Detention to await trial, then the clerk will try to schedule the trial within ten days. However, if that particular section of court has had a large number of defendants being held in the House of Detention, and if that section has had a longer than normal number of cases continued, then that section's docket will be crowded. Thus a case may be set for trial several months in the future.

Once the trial date is set, the defendant is issued a notice of trial and if bond is required those arrangements are made. All of the relevant papers are then sent to the Records Room for posting in the Master Docket Book.

Before posting, those cases which were initiated by the police are noted in the Summons Control Book. This contains a numeric listing of all the summons control numbers for the summons distributed to police officers. When a case comes through Municipal Court, the results are recorded in the Summons Control Book. If the case is continued after the arraignment, then the case number assigned to the case is recorded beside the appropriate summons number. If the case is finished at the arraignment, then the disposition is noted by the summons numbers. Summons which are voided are collected in batches by the police and from time to time are noted in the

## Summons Control Book.

In the Records Room, documents for a set case are collected together and placed inside an envelope or jacket on which is written the case number and court section. If the case is a walk-in or an agency case then the folded affidavit becomes the jacket and additional documents are folded inside the affidavit. If the case is new, then the defendant's name and the case number are added to an index.

The documents are then reviewed by a clerk who determines what action was taken. This information is added to the Master Docket Book. The Master Docket Book has a block of space for each case number in numeric order. In the space is written the name of the defendant, the name of the complaining witness, the charge number, and a very brief description of the charge. Each court appearance is listed with the date of the appearance and the action taken.

Once the case is disposed, the judge or someone designated by the judge, signs the judge's name to the entry. The documents are then given to the docket clerk for the appropriate section of court.

The docket clerk maintains a Docket Book for one section of court. In this book are recorded the basic bits of information from each appearance of each defendant. This book is maintained in chronological order, rather than case number order. This is a duplicate of the Trial Docket Book which is maintained in each courtroom, and which is updated during each session of court. The docket clerk prepares any notices or subpoenas which may be required. These are noted on the case jacket using a set of symbols and codes, so that an informed person can tell at a glance if all the parties

to the case have been served with their appropriate notices. Cases which are completed are filed in the master file. Cases which are pending are kept on file by the date of the next scheduled appearance, in a separate file for each section of court.

Before each session of court, the Minute Clerk will collect from the Docket Clerk all the cases which are set for that day. Entries are made in the Trial Docket Book and the papers are arranged for the beginning of that session of Court.

Health Department Cases and Summons File - There are two other filing systems in the Clerk's office. Health Department cases, which are the result of affidavits filed by the Health Department for violations of the Municipal Health Code, are kept in a separate file. They are also recorded in separate Docket Books and Setting Books. There is no Allotment Book since all cases are in Section A, but in other aspects the procedure is a replica of the procedure for set cases. It is, however, physically distinct and separate, with a separate numbering scheme.

The third filing system is called the Summons File. It is composed of the records of those cases for which a disposition is obtained at the first appearance. When the police make an arrest or issue a citation and release the subject, a copy of the summons is forwarded to Central Lock-up. The summons numbers, defendants' names and charges are listed on the Master Booking Sheet. The Booking Sheet and the summons are sent to the appropriate section of court each day. Before court convenes, entries are made in the Trial Docket Book. If a case is continued, then the action is noted on the back of the summons, and the summons becomes the

basic document in the jacket for the set case processing described above.

If, at the arraignment, the case is not proessed or dismissed, or if the defendant is found guilty or pleads guilty, and is sentenced, then the case is finished. The summons are annotated with the disposition and sentence, the judge signs the summons, the disposition is noted in the Summons Central Book and the summons are filed, by summons number, in the Summons File.

Another important area of concern related to the summons and Summons file involves the flow of information between the Courts and the agencies and individuals which deal with the Courts. The quality and timeliness of this information can affect the Police Department's ability to accurately predict criminal activity and effectively deploy departmental personnel. Lack of information may allow an officer in a confrontation to misjudge the nature and potential danger of a suspect, which might place the officer or the suspect in unnecessary danger. Inadequate or inaccurate information will adversely affect planning efforts for social programs and capital improvements. And, incomplete information may make the sentencing decisions of the judges unnecessarily difficult or inconsistent.

Issuing of Attachments - If a defendant fails to appear for a trial or other hearing, the judge may issue an Attachment order. This is sent to the Police Department to let them know that the individual is wanted. It also means that if the person is apprehended by the police, the bond will automatically be set much higher than the amounts on the fixed bond list. For example, a

person arrested on a shoplifting charge may be required to post a fifty dollar bond for release from Central Lock-Up. If an Attachment had been issued the same individual would have to post a bond of \$500.00 as well as the fifty dollar bond for the shoplifting charge.

In Municipal Court, it frequently happens that a person was late because of transportation problems, family crisis or other factors not always completely under their control. Often the person will appear in court on their own reasonably soon after they were supposed to appear. Usually the hearing will be reset and the Attachment will be recalled.

Unfortunately, there is no dependable system for informing the police that the Attachment had been recalled and removing the information from the system. On more than a few occasions, an Attachment has been recalled, but the police were not informed. Then they arrested the individual and transported him or her to Central Lock-up. At the very least, this improper arrest embarrasses, inconveniences and angers the arrested individual, further destroying public confidence in the court system. At the extreme it creates a conflict situation that may result in violent actions on someone's part. This problem could be easily avoided by more effective use of the data entry terminal in Municipal Court.

There is also a need for some way to access the records other than by the CRT Terminal now in the Clerk's office. Someone must type in each person's name, scan the information available, and then write down the relevant facts. This can be very time-consuming.

### Pre-Trial Delay

There are some problems inherent in the system which cause delays. For set cases, that is those which are not disposed of at the arraignment, the average length of time from arrest (or for the filing of an affidavit) to disposition is 56.3 days. This does not take into consideration the fact that the case may be continued a number of times in those 56.3 days, but the average number of continuances is only 1.3 continuances per case for set cases, and the first continuance is the time between arraignment and trial. Also almost three-fourths of the set cases were handled with no more than the first continuance. So the two months between arrest and disposition seems to be an unnecessarily long average.

One other factor that could inflate the average is that the set cases include the "walk-ins". A walk-in case by its nature requires additional time since there is no arrest. Instead, a complaint is filed at Municipal Court and then subpoenas are prepared and served on the appropriate parties.

For walk-ins and agency charges, first appearances are set thirty days or longer after the charges are filed. This is to allow time for serving subpoenas, which is frequently very difficult. The average time from the filing of the complaint to the date of disposition for walk-in cases is 81.2 days, almost a month longer than for set cases in general. However, there are less than 3000 walk-in cases. Removing these from the sample would still leave an average arrest to disposition time of 51.5 days.

A person coming to the clerk's office to file charges often is unfamiliar with the complex workings of the court system. Frequently, the complainant does not know the defendant's full name or actual address. In a serious crime, the victim could go with the police and actually point out the defendant or the place where the defendant is believed to be. Municipal Court charges usually do not generate sufficient interest to warrant such efforts. If the victim cannot provide the Affidavit Clerks with correct and complete information, then the charges are not likely to be accepted for prosecution.

A lengthy delay may be unimportant for a case involving a bad check or too many weeds on a vacant yard, even a shoplifting charge, for example. On the other hand, if the case involved a violent act or the threat of a violent act, then the victim may be subjected to additional fears for his or her well-being during the lengthy wait. If the initial incident resulted from some problem for which no solution was immediately found, then it is reasonable to assume that the same tensions may lead to the same type of incident again. Or, if the victim has experienced a theft of some kind, then he or she may continue to be denied the use of his or her property during the period of the delay.

For some, such as an angry neighbor or a battered woman, who file a charge to obtain relief from some problem, a thirty to sixty day wait may be intolerable. In cases of family violence, the victim may be in even more danger once the assailant discovers that charges have been filed. In such cases, speed is very important. The complainant may need to be protected, and may only be able to stay in a safe place for a short period of time, before



the demands of a job or child care compel the person to return to the old environment. The issues here become very complex, and extend outside the jurisdiction of Municipal Court.

Naturally, all of the usual problems of prosecuting after a lengthy delay affect Municipal Court. Witnesses forget or cannot be contacted, evidence is lost or misplaced, the victim is further inconvenienced and the time of the court, clerks, and police is often wasted. In Criminal District Court, the average time from arrest to disposition is only slightly longer, yet there are more hearings and a far greater likelihood of continuances being needed. Given the crisis intervention part of Municipal Court's role, sources of pre-trial delay must be carefully examined.

#### Pre-trial Release

The Clerk's office provides the personnel who collect and account for monies posted as bonds for release prior to trial. They also process the documents resulting from surety bonds arranged through bonding companies.

As mentioned earlier there is a set bond schedule for municipal charges for release from Central Lock-up. This money is collected by the Police Department and then forwarded to Municipal Court. If the case is continued, the judge will determine if the bond will be continued, raised or lowered, or if some other alternative can be used, such as ROR.

"No-Shows" - Of course, everyone who is scheduled to appear in court does not. In 4.6% of the cases, an Attachment was issued indicating that the defendant did not show for some scheduled appearance. On minor charges when the defendant has posted bond

and then fails to appear, particularly when there is some indication that the defendant was from out-of-town and has returned home, the judge will order that the defendant's bond be forfeited and no other action be taken. This occurs in approximately 8.3% of the cases. Attachments and bond forfeitures are two indicators of the extent of "no shows" in the courts.

Without additional research, it would be difficult to accurately assess the reasons why defendants fail to appear, but several reasons are suspected. In some cases the defendant is simply trying to avoid trial in the classic sense of a fugitive from justice. More often, particularly in those cases involving bond forfeitures, the defendant is attempting to avoid the "hassle" of additional appearances in court. For a visitor who must return to a job or school in another state, or for merchant seamen who must return to their ships, remaining in New Orleans for trial may be sufficiently impractical. The defendant may disregard the potentially more serious consequences of missing a court appearance, especially those defendants who have been advised that leaving town is an acceptable alternative. This "advice" does not necessarily come from reliable sources.

Many defendants in Municipal Court lack resources and sophistication. For these people, there is a significant possibility that the meaning of a trial notice or subpoena will be misunderstood. Such a misunderstanding may seem unreasonable to someone from a more normative, middle-class background. For the disadvantaged citizen, the same social circumstances which may have led to their initial contact with the criminal justice system may induce them to respond to the contacts inappropriately. The

day to day struggle for existence can easily take precedence over dealing with the extraordinary problems of facing a Municipal Court charge. Not knowing what to do, and possibly not caring, makes doing nothing a viable alternative. Rationalization and subconscious distortion of reality are also easy in such circumstances, but whatever the cause, "no shows" are an unnecessary expense to the system.

Dropped Charges - There is another type of "no show" which is also very expensive to the system because of the unnecessary burden added to the system. It is the complainant who does not show in many situations. Bond forfeitures, guilty pleas and guilty verdicts represent cases which resulted in convictions. As indicated by Table 4, this group accounted for 43% of the total dispositions. Of the remaining 57% which do not result in convictions, most are dismissed or nol prossed for one reason or another. The most frequent reason is that the complaining witness fails to appear in court. According to Table 4, this occurred in 3673 cases. With the volume of cases in Municipal Court, no follow-up is done to try to bring the complainant back to court on another day.

The second most frequent reason for dropped charges is that the complaining witness requests that the charges be dropped. Table 4 shows that there were 966 dispositions of this type in the sample. When this happens, a certain amount of time and work is required in advance of the trial date. If the complainant waits until the day of the trial, or simply fails to appear, the court's time is wasted. This waste places an added burden on the Clerk's office, police officers, city attorneys, and other witnesses who may have

been subpoenaed. There may also be a negative effect on some defendants, who, rather than being relieved by their acquittal, feel that they have been brought to court for no reason.

Such a response may be expected from those who have little confidence in the courts and police. As such it acts to further erode public confidence in and support for the courts. To accurately gauge the frequency and level of this effect would require more in-depth study, but the potential negative impact is sufficient to cause alarm. The most recent research suggests that it is dangerous to underestimate the importance of public support for the effective functioning of all aspects of the criminal justice system.

When considering the results of cases dropped because of no complaining witness, it should be noted that the term acquitted is used in its broad sense. Very few of these cases are disposed after a hearing on the merits of the case, even among those cases that are dismissed by the court as opposed to cases nol prossed by the City Attorney's office. Of course, insufficient evidence may be a factor in many of the decisions to dismiss or nol pros. Court records are not sufficiently detailed to accurately assess the grounds for decisions. The nol pros decision when reached after discussion with the complainant sometimes represents case screening. The City Attorney's office does not often get a chance to review a case until the day of the trial. Walk-ins are sometimes reviewed by an Assistant City Attorney if the case is complex and the affidavit clerk has questions about it, but most are not seen by the prosecutor until the first appearance at the trial.

## Social Services

Since 1976, the Municipal Court has had the services of two social workers provided by the New Orleans Committee on Alcoholism and Drug Abuse (CADA). A third social worker was added in 1979. The funds come through a grant from the National Institute on Alcohol Abuse and Alcoholism (NIAAA). The program is intended to provide much needed social services for those individuals who are alcohol abusers and who become Municipal Court defendants.

It is estimated that 24.3% of the cases, over 11,000 cases, that come before Municipal Court are for public drunkenness. An additional 4.3% are for sleeping and obstructing public places (See Appendix - Table 5). These almost 2000 cases are frequently directly related to alcohol abuse. More significantly, perhaps, in many of the other cases that come before the Court, the individuals have personal problems that involve alcohol. Most of the family violence cases revolve around alcohol, as do many of the other battery, assault, and threat charges. Many other defendants also have drinking problems. A fine, a probation period, even a short stay in jail will do little to help the underlying problems that tend to lure these individuals into anti-social activities. Some of them are candidates for treatment programs, which, if successful, can interrupt their pattern of anti-social behavior.

Unfortunately, there are many other behavioral problems that appear in municipal offenders. The social workers quickly convinced the judges of the need for social services. Interestingly there is no probation department in Municipal Court and no probation officers. More than 30% of the sentences of guilty

defendants involve some sort of condition such as probation, restitution, suspension, etc., yet there is no one to monitor the offender's compliance.

That such a situation should exist is most unfortunate. For many offenders a period during which their behavior can be monitored, but which allows them to continue working and living with their families, is the best way to help them to improve upon their past behavior pattern. This is especially true given the relatively minor nature of many Municipal Court charges. Without probation supervision, the offenders are denied a service which might help them to avoid future problems.

The Mayor's Criminal Justice Coordinating Council, working with Municipal Court, has proposed funding the nucleus of a probation department with approximately \$40,000 in LEAA funds. This should help the program get started and allow the Court time to find a more permanent solution to the need for these types of services.

At the same time, CJCC has proposed an LEAA funded pre-trial diversion and screening program, with \$25,000 in LEAA money. This program would allow the City Attorney's office to screen cases prior to prosecution. It would allow diversion of appropriate defendants to social service programs, and it would provide additional social service personnel to counsel and refer those defendants.

#### IV. RECOMMENDATIONS AND SUMMARY

## RECOMMENDATIONS

The examination of the structure and operation of Municipal Court led the researchers to the conclusion that the Court is doing an adequate job given the relative lean resources made available to it. It would not be prudent to recommend any sweeping changes in the nature of Municipal Court. Nonetheless, there are four areas in which change should be considered.

1. A judicial administrator should be added to the court's organization.

The Municipal Court operates on a budget of over \$500,000 annually. There are over 60 full time employees. There is a clear need to have one person who can relieve the Judges and the Clerk of the fiscal, property, and personnel management responsibilities. Once hired, the judicial administrator, with possibly one assistant and a secretary, would be able to investigate a variety of improvements, both short and long term, that at present cannot even be evaluated as to their desirability. A coordinated effort at improving communications with other City agencies could successfully increase the quantity and quality of services available to the Court, such as maintenance, data processing, and financing. It may be that a judicial administrator could standardize the working hours and conditions of the Court employees. This could lead to greater efficiency in operation. It could also lead to an improvement in the salary structure applied to the Court.

The judicial administrator could also coordinate efforts to obtain technical assistance from various agencies such as the National Center for State Courts and LEAA. This assistance



may come in areas related to sentencing guidelines, maintaining court records, delay reduction, scheduling, fiscal control, and others.

2. All manually kept Municipal Court records should be automated.

Funds should be allocated to hire two (2) Data Entry Operators to operate the Municipal Court data systems. One Operator will have primary responsibility in updating police data system records with Municipal Court dispositions. The other Operator will aid in working on the backlog of unentered cases and maintaining oncoming cases.

Within two years of meeting these two immediate data needs, all manual court records should be automated. Once the existing data system is brought up-to-date and the records are regularly maintained, all court records, past and present, should be entered into computer terminals instead of manually entering this information into docket books, setting books, clerk's office files, etc. This will not only allow for more efficient and reliable records, but will allow judges to recall any information on caseload, docket or criminal history by using the computer.

Once this is implemented, the Clerk's staff would then be free to devote more time to improving the quality of data available. Such changes will require a coordinated effort from all four court sections and careful monitoring during the implementation phase.

3. A system of social services in Municipal Court should be institutionalized.

Due to the nature of the cases handled in Municipal Court (family violence, neighborhood disputes, drug-related problems), there is a need to institutionalize a system of social services in Municipal Court. People in need of social services frequently turn to Municipal Court and take the more "direct" path of court action, as opposed to seeking help from other social service agencies. As long as the public continues to turn to the court for crisis intervention services, the court must be prepared to provide these services, which include referrals to the appropriate agencies.

Additional staff and funds will be required if the social service personnel are to be expected to do an adequate job. Services should include a minimum of six (6) professionals. This will provide for administrative needs of the unit as well as provide one (1) worker for each section of court.

The fully manned staff of social workers should also provide crisis intervention services to the House of Detention and Central Lock-up. Likewise with the House of Detention and Central Lock-up filled to capacity, any moves to reduce the crowded conditions should be initiated. Due to the services and referrals the staff would provide to people prior to and during incarceration, the social service staff would aid in reducing the number of incarcerations.

With regard to funding this unit, consideration should be given to using the fines and fees collected by Municipal Court to operate the program.

4. Alternative methods of dispute settlement should be implemented.

New Orleans presently has a spiraling murder rate, the highest in the United States, with at least 42% of these murders committed by people who know each other. A large number of the cases which are processed through Municipal Court involve neighborhood and family disputes, which are the types of cases which frequently result in murder. It is vital that the courts provide a means of dealing with these volatile neighborhood-oriented cases other than by traditional, cumbersome court action. A dispute settlement program is an alternative to prosecution and should be implemented by the Municipal Court.

This program would involve Neighborhood Justice Centers located throughout the community which would directly handle those dispute cases which are neighborhood based. The aim of these centers is to provide a system for the pre-trial settlement of disputes, and a further form of diversion from prosecution. In addition, the program would serve to reduce injury and loss of property and life by quick resolution of dispute cases, and would also reduce the crowding of court dockets and improve the responsiveness of the court to the needs of the community.

While the program could be operated by private non-profit agencies with no formal court connection, it is recommended that the initial program be developed as an extension of Municipal Court. A model Neighborhood Justice Center should be established and monitored for effectiveness, with the future aim to expand the program to other neighborhoods. The dispute settlement program will require a program director and clerical support, however, it is anticipated that space for the center will be provided

and that volunteer mediators will be used.

Through the use of this alternative to the Municipal Court process lies the potential for more effectively handling neighborhood disturbance and family violence cases; cases which may develop into much more serious incidents.

5. A screening and diversion program should be implemented in Municipal Court.

The need exists for dealing with those cases which do not appropriately belong in Municipal Court. A screening and diversion program operated by the City Attorney's office would serve to determine those cases, for example, neighborhood disputes and family disturbances, which should be diverted to other counseling and treatment agencies, as opposed to prosecution in Municipal Court. This program would also serve to divert those cases which should be handled in Criminal District Court, for example, career criminals.

By diverting certain offenders to other successful means of treatment, a number of positive results are gained. Because an offender's anti-social behavior may be modified through alternative social service programs, recidivism will be reduced. These services will also help reduce the number of incarcerations, thus freeing up much needed space in the House of Detention or Central Lock-up. Screening certain cases out of Municipal Court and diverting them to other agencies will also reduce the crowding of Municipal Court dockets, thus reducing the incidence of delay.

The City Attorney's office should have primary responsibility for establishing this screening process and criteria, as well as operating the program. Not only will a screening program help solve many problems of the Court, but the individuals themselves will be provided with a more appropriate solution to their problem.

6. Alternative methods of handling cases of public intoxication should be implemented.

Public intoxication is the single largest category of cases handled in Municipal Court. In addition, numerous other offense categories, such as disturbing the peace, sleeping in public and obstructing a public place, are often alcohol-related. As alcoholism is a disease and public inebriates are more appropriately social service rather than criminal justice problems, alternative methods of handling these cases, other than incarceration, need to be implemented.

In order to significantly impact this problem, the cooperation of the police and the Municipal Court judges will be necessary. Within the Police Department, there should be a de-emphasis on arresting public inebriates and selective enforcement should be encouraged. If intoxicated individuals are not creating a disturbance or reported in a complaint, then the police should use discretion in whether or not they should be arrested. This would aid in decreasing the number of public intoxication cases brought before Municipal Court.

A detoxification center would serve as an immediate, short-range response to the problem. Rehabilitation would not be intended as an aim of this center. Although the courts should have input into the development of the detoxification center, this center should be operated by social service agencies rather than the courts.

The Municipal Court judges, in support of the selective enforcement by the police and the operation of the detoxification center, would not sentence public intoxication cases to lengthy jail sentences. The detoxification center would serve as an alternative to incarceration.

Implementation of such a program can have a very positive impact, not only in Municipal Court operations but within the entire criminal justice system. Selective enforcement of public intoxication laws would free up police time that would otherwise be spent in arresting, booking, and testifying against these offenders. The decreased caseload of public intoxication cases through the Municipal Court would reduce court dockets and the incidence of court delay. Perhaps of greatest importance, the number of incarcerations would be reduced, thus freeing up much needed space in the House of Detention and Central Lock-up for cases of a more serious nature.

## SUMMARY

The Municipal Court is an integral part of the local criminal justice system. If one counts the defendants, victims, and witnesses, then approximately fifteen percent of the City's population has some dealings with the Court each year. From month to month or year to year, many of the same individuals return to the Court not only as defendants, but also as victims and witnesses. Because of the relatively minor nature of many municipal charges, it is easy to overlook the Municipal Court in view of the large agencies. However, the Court plays a very important role in the maintenance of order. For many citizens, the Court is the only means available for the resolution of social problems. The Court should be afforded the resources it needs to do the job that has evolved for it. At the same time, the Court should look for ways in which the job can be done better, even if that means delegating some of its authority to other agencies.

V. APPENDIX



Fig. 1. Flow of information in Municipal Court

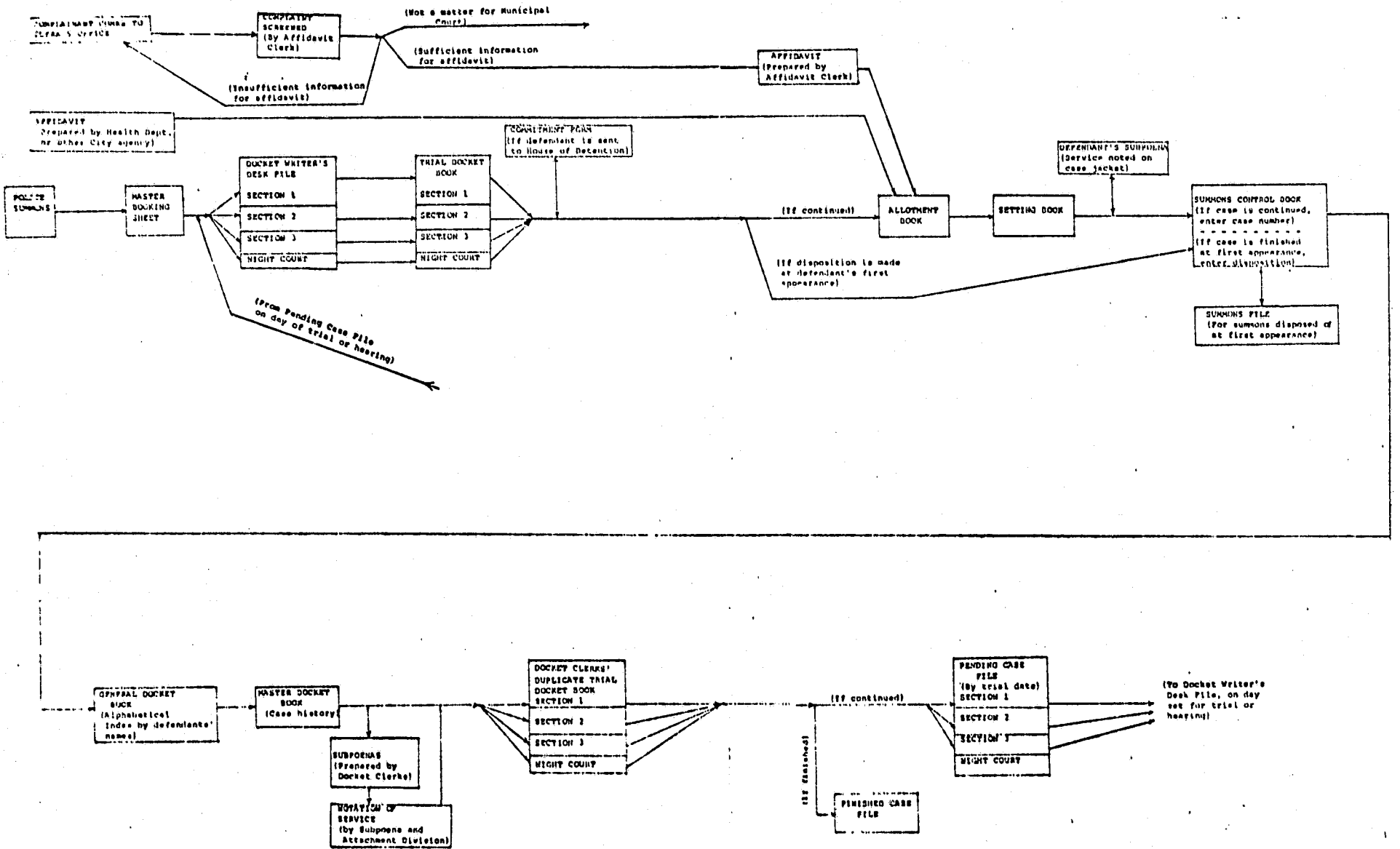
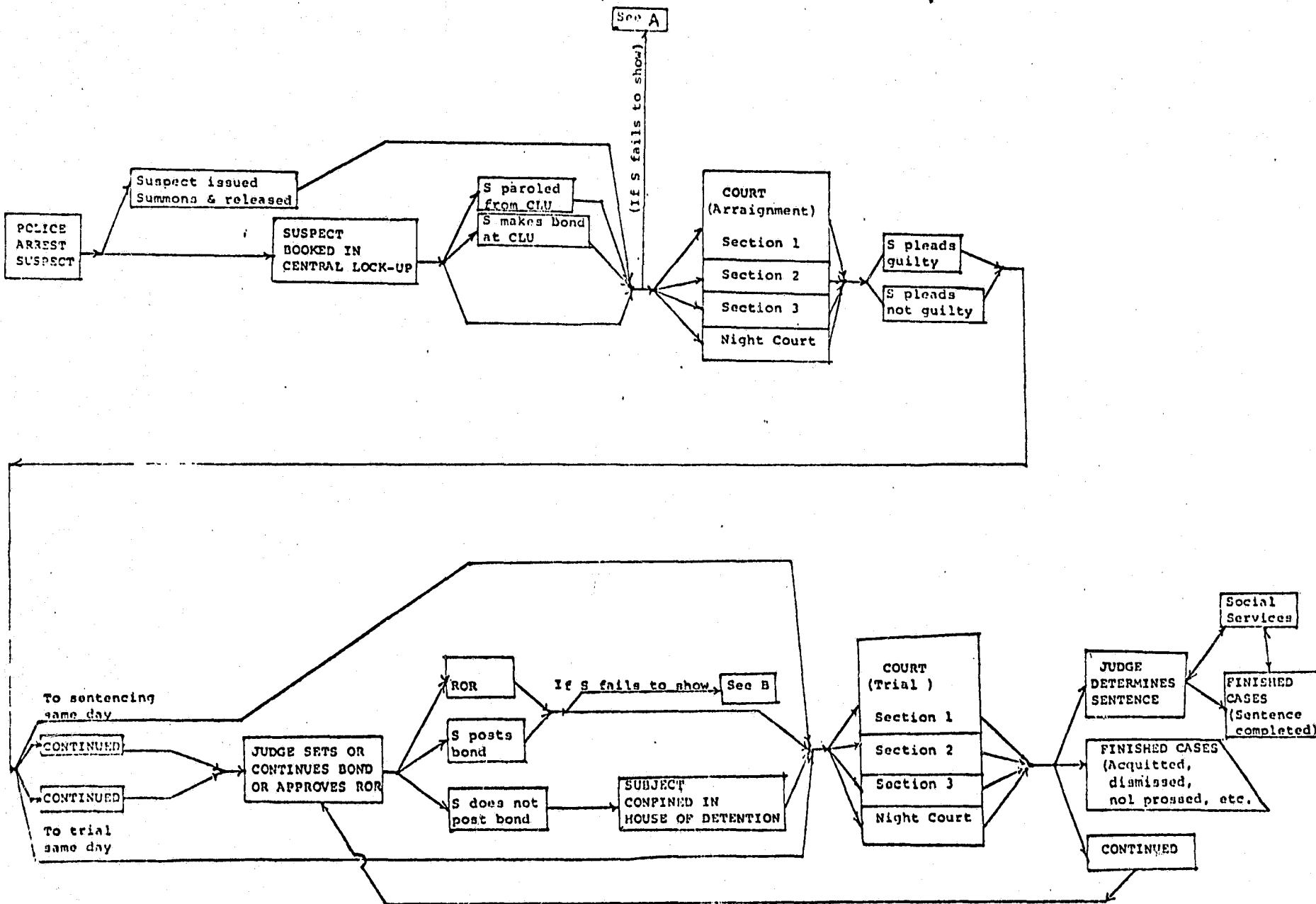


Fig. 2. Flow of People in Municipal Court



<sup>A</sup> If defendant should fail to make a scheduled appearance in court, the judge may issue an Attachment Order so that a bond as high as \$500 will automatically be required the next time the individual is arrested.

<sup>B</sup> If defendant should fail to make a scheduled appearance, the judge may issue an Attachment Order as in A, and he may increase the bond and revoke an ROR order.

TABLE 4  
FREQUENCY OF DISPOSITIONS IN 1978

DISPOSITION	FREQUENCY	% TOTAL
Case Still Open	1340	3.0
Nol Prossed-No Reason	2744	6.0
Nol Prossed-No Complaining Witness	3673	8.1
Nol Prossed-At Cost of Complaining Witness	1703	3.8
Nol Prossed-Can't Serve	1155	2.5
Nol Prossed-Too Difficult To Serve	254	0.6
Nol Prossed-Complied	7.9	1.6
Nol Prossed-Restitution	51	0.1
Nol Prossed-Defendant Moved	171	0.4
Nol Prossed-Wrong Defendant	68	0.2
Case Closed	1970	4.3
Dismissed-No Reason	1501	3.3
Dismissed-No Complaining	7832	17.3
Dismissed-Witness At Request of Complaining Witness	966	2.1
Dismissed-Completed	475	1.0
Dismissed-Restitution	102	0.2
Dismissed on Merits-Not Guilty	470	1.0
Found Guilty	4139	9.1
Pleaded Guilty	11854	26.1
Bond Forfeiture	3751	8.3
Coroner's Case	305	0.7
Nol Prossed-Defendant Decease	34	0.1
Unknown	89	0.2
Total	45364	100.0

SOURCE: MUNICIPAL COURT FILES, 1978

TABLE 5  
MUNICIPAL COURT CHARGES  
1978

CHARGE	FREQUENCY	% TOTAL	CHARGE	FREQUENCY	% TOTAL
Building Code	356	0.8	Drive on Levee	140	0.3
Fire Code	102	0.2	Parking on Private Property	534	1.2
Fireworks	89	0.2	Soliciting Prostitution	51	0.1
Disturbing the Peace (Alcohol Bev. Outlets)	89	0.2	Loitering Prostitution	51	0.1
No Permit (Alcohol Bev. Outlets)	140	0.3	Lewd Conduct	267	0.6
Improperly Displaying Permit	51	0.1	Gambling - 2	267	0.6
Serve Intoxicated Person	51	0.1	Discharging Firearms	292	0.6
No Manager (Alcohol Bev. Outlets)	152	0.3	Weapons	966	2.1
No Price List (Alcohol Bev. Outlets)	51	0.1	Obstructing Public Place	1144	2.5
Dog license	154	0.3	Public Intoxication	11026	24.3
No Rabies Shots	85	0.2	Disturbing the Peace	5732	12.6
Dog Control	152	0.3	Begging	369	0.8
No Permit for Coin Device	89	0.2	Sleeping in Public	814	1.8
Sniffing Glue	102	0.2	Resisting Arrest	1461	3.2
Food Handling Code	34	0.1	Escape	102	0.2
Fail to Pay Tab	89	0.2	Unlawful Language to Police Officer	203	0.4
Allowing Dice Game	318	0.7	Obscene/Threatening Call	203	0.4
Gambling - 1	102	0.2	Peeping Tom	89	0.2
Trash in Yard	102	0.2	Drinking from Open Container	547	1.2
Illegal Dumping	509	1.1	Loud Noises	51	0.1
Failure to Maintain Premises	51	0.1	Selling Without permit	458	1.0
Uncovered Load-Truck	89	0.2	Improperly Selling Flowers	51	0.1
Weeds	68	0.2	Plumbing Code	171	0.4
Building Code Chapter 30	102	0.2	Rat Control Code	1198	2.6
Failure to Vacate Premises	203	0.4	Selling from Stand	89	0.2
Misrepresenting Name & Address to Police	152	0.3	Number of Signs (Vieux Carre Commission)	51	0.1
Battery	4511	9.9	Size of Signs (Vieux Carre Commission)	51	0.1
Assault	1360	3.0	Illegal Hunting	89	0.2
Criminal Damage	801	1.8	Total	45364	100.0
Tampering	191	0.4			
Trespass	2174	4.8			
Theft	3611	8.0			
Unauthorized Use	356	0.8			
Possession Stolen Property	1500	3.3			
Worthless Checks	914	2.0			

SOURCE: MUNICIPAL COURT FILES, 1978

**END**