Is 2019 The Year for Equal Justice?

Orleans Public Defenders
Derwyn Bunton, Chief Defender
The **MISSION** of the Orleans Public Defenders is to fight for our clients by providing excellent client-centered representation, reforming the system and partnering with the community.

**DIGNITY. JUSTICE. HOPE.**
OPD represents 85% of everyone accused in Orleans Parish courts.

If New Orleans wants a public defense system that contributes to the goals of the city’s criminal justice policy including:

* reducing over-incarceration,
* connecting the poor and mentally ill with services, jobs
* advocating for jail programs and treatment that will reduce recidivism

-- then the city must expand its status as a state leader in criminal justice reform.

That means increasing support for OPD to promote fairness and equity in our justice system.
Impact of OPD

From January to September, OPD was appointed:

**12,829 new cases**
- 3,305 misdemeanors
- 4,678 felonies
- 108 LWOP felonies
- 2,335 municipal/parish
- 1,707 revocations
- 65 CINC

Our Client Services Division represented:

- 733 clients
- 1,029 services

~ 70% successful completion

- Substance abuse treatment
- Medical records
- Mental health treatment
- Medical treatment
- Housing
- Youth Advocacy
- Mitigation/Re-sentencing
Impact of OPD

The value of a well-resourced public defender system looks like:
- OPD saves taxpayers thousands of dollars
  - decreases pretrial detention
  - alternatives to incarceration
  - treatment programs/social services
  - bond reduction project

Under-resourced public defense systems cause increased incarceration and harmful impacts on individuals, families, communities and taxpayers: for every $1 spent on public defense, New Orleans taxpayers spend nearly $35 on corrections.

An effective public defense system can be a powerful tool in restoring public faith in justice, improving public safety and lawfulness. *Justice Policy Institute: System Overload*
Safety & Justice Challenge: Bond Advocacy

Since the Bond Project began in February 2017, attorneys and a client advocate have exponentially improved representation at first appearance.

This has led to historic lows in jail population.

This advocacy keeps families together, people employed and in their homes, and redirects people to critical treatment and diversion programming.

Since January 2017, OPD has represented and advocated for:

**13,000+ cases and bond considerations at First Appearance**
Workloads: OPD Must Keep Up

Even as local criminal justice demands increase, OPD must operate within standards, regulations and ethics.

OPD attorneys already exceed caseload standards.

This can have detrimental effects to competent and ethical representation.
OPD staff consistently does more with less and does what is needed to keep up with increasing caseloads.

These are simply unsustainable and problematic.
Unreliable User-Pay Justice

2018 YTD Expenditures: $8,291,339  |  2018 YTD Revenues: $7,629,331

Our notorious user-pay system has created years instability and service restrictions.

Proposed elimination of traffic cameras would be detrimental to OPD if not made up in other ways.

Case refusals, waitlists real, system disruptions all possibilities once again due to increasing resource disparity.

$2.7 million
36% of total budget
from Fines and Fees

$1.3 million
from Traffic Cameras alone

By comparison: fines and fees make up less than 10% of the district attorney’s budget.
$1.1 million $11.67 million
Unstable User-Pay Justice

The City projects an estimated $4 – $6 million decrease in revenue from eliminated traffic cameras.

There is no reliable way to project the loss in revenue from those 20 eliminated cameras and decrease in usage for remaining cameras.

We know a user-pay system is not only unsustainable, it morally unjust.
In 2019, New Orleans will spend $258 million to arrest, prosecute and incarcerate and just $1.51 million to protect innocence, provide accountability, and ensure a fair and equitable justice system.

5:1 district attorney vs. public defense appropriation

Proposed 2019 Budget

- NOPD: $191,421,375
- OPSO: $53,188,976
- Criminal District Court: $6,334,998
- District Attorney: $6,678,029
- Orleans Public Defenders: $1,513,623

Inequity in our Justice System

Orleans Public Defenders
The Path to Equity and Parity

You cannot ensure justice without equity in the system.

If OPD does 85% of the work across the courts, we should receive 85% of the appropriation given to the district attorney. This would establish parity.

What is needed?

$2.5 million appropriation

full proposed 2019 appropriation

Replacement of revenue from eliminated traffic cameras.

i.e. double current traffic camera fee per violation

Incremental increases over 3 years to reach 85% parity threshold.
The Path to Equity and Parity

There MUST be a local solution to end our user-pay justice system.

But how?

- Millage or Tax
  - Similar to the Audubon Zoo
- Parity Ordinance or Charter Amendment
  - Kentucky’s statewide parity statute
- Redistribution
  - Simply restructure funding priorities

Recommended City Council Committee to study criminal justice funding solutions
The Future of Public Defense in New Orleans

Increasing resource disparity enables an unbalanced and unfair system.

As city and criminal justice leaders, we are responsible for deciding what the FUTURE OF CRIMINAL JUSTICE looks like in New Orleans and what the criminal justice policies will be.

Consequently, OPD is asking the City of New Orleans increase its support and funding for OPD to promote those policy goals.