

The JFA Institute
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Conducting Justice and Corrections Research for Effective Policy Making

Policy Simulations of Alternative Options To Reduce the Orleans Parish Prison Ten-Year Projection

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Introduction

This report builds upon the base projection report that produced the ten-year projection. The reader should refer to that report to better understand the recent trends that are impacting the Orleans Parish Prison (OPP) population.

At issue is to determine the need to construct a new jail facility or facilities that would have sufficient capacity to properly house and manage persons who were incarcerated under current state and local laws and criminal justice policies. Mayor Mitch Landrieu signed an executive order establishing a Criminal Justice Working Group, an official Mayoral Advisory Committee, which was tasked with reviewing plans and information relating to the size of the Orleans Parish Prison complex. This report is being submitted to the Task Force as part of its work to make recommendations to Mayor Landrieu.

As was emphasized in the base projection report, the current and future size of a jail population is largely the product of a number of factors that are beyond the control of the Sheriff. Demographic, socio-economic, crime, arrest and court processing (among others) are factors that contribute to the two major forces that produce a jail population -- admissions and length of stay (or LOS). What the base projection report did was to document those trends and estimate the long-term effects of *current* trends on the projected size of the Orleans jail population. This initial estimate is referred to as the "base" projection.

This report provides estimates of how the base projection may be impacted by five major reforms or initiatives that were recommended by the Mayor's Task Force that if implemented would further lower the OPP base projection. This work was funded under separate grants from the Louisiana Disaster Recovery Fund and Public Safety/Government Oversight Grants organizations and not the U.S. Department of Justice. The five recommended policy options are:

1. Implementation of a Pre-Trial Release Program for Felons;
2. Louisiana Department of Public Safety and Corrections (DPS&C) state prisoner population now housed at the OPP;
3. The issue of summons in lieu of arrest and booking for the following crimes;
4. Greater efficiency in the processing of felon cases not released in pretrial status; and,
5. Reduction in the length of stay for probation violators.

In completing this study JFA relied extensively upon data provided by the Orleans Parish Sheriff's Office and New Orleans Police Department.¹ Data were

¹ The authors would like to express their great appreciation to Sheriff Marlin N. Gusman, Commander Michael Laughlin, and Joe Timmons of the Orleans Parish Sheriff's Office. Further Secretary James LeBlanc, Melanie Gueho, and Tabitha Mizell of the Louisiana Department of Public Safety and Corrections provided valuable information on the number of state inmates housed in the Orleans jail system. Paul McCaskell provided reported crime and arrest data. Michael Jacobson and Jon Wool of Vera

also provided by the Vera Institute, which has been conducting a number of studies of current police and criminal justice practices and initiatives. The DPS&C provided data on state inmates housed in the OPP and those sentenced to state prison each year from the Orleans Parish courts.

It should be emphasized that there are a number of policy options that Orleans policymakers could implement. It was noted in the base projection report that the OPP incarceration rate is considerably higher than other comparable Louisiana Parishes even when crime rates and the housing of DPS&C inmates are taken into account. These other options can and should be considered as well,

Simulation Results

The two most prominent and most significant options that have been proposed are 1) implementation of a pretrial services agency and 2) reduction in the number of persons housed in the OPP who are state prisoners.

Option #1: Pretrial Services Agency for Persons Charged with Felon(s)

With regard to the pretrial services agency, the Vera Institute is assisting the Parish implement a pretrial services agency by 2011. JFA requested from Vera its assessment of which pretrial inmates the program would focus on. What follows is Vera's estimate of what type of pretrial admissions will be targeted:

"The Pretrial Services Initiative will have its greatest impact on felony cases. Results from other jurisdictions suggest that persons charged with all minor drug possession; all minor property offenses, including theft, fraud, non-residential burglary; and some weapons offenses are likely candidates for release on recognizance or with conditions at first appearance. We conservatively estimate that 50 percent of persons charged with these offenses will be released at first appearance. Additionally, a small percentage of persons charged with drug sale, non-violent sex offenses, and violent offenses will be released at first appearance with conditions such as electronic monitoring, for which the city has budgeted roughly \$2 million in 2011."

Based on this description of the proposed pretrial program, the estimated impact of the program, if implemented properly and targeted at persons in the pretrial felony status, would reduce that population by approximately of 330 prisoners (approximately a 25% reduction).

This reduction assumes that 50% of the crimes identified by Vera are released within an average of 3 days of booking. For the violent and weapons charges,

Institute provided a great deal of background information on current criminal justice initiatives. Finally, Frederick Kullman of the Office of the Mayor of New Orleans and Eugene Atherton of the Corrections Technology Center of Excellence, National Institute of Justice, U.S. Department of Justice, helped coordinate all of our data collection efforts.

their current LOS is reduced by 10%. We attempted other ways of modeling the effects with very similar results.

Option #2: State DPS&C Reduction

The state DPS&C inmate population can be lowered at the discretion of the Sheriff. However, such a reduction would severely reduce the Sheriff's revenues as the current budget is based on an archaic per diem structure. If the budget structure can be replaced with a more standard fixed budget appropriation based on modern accounting principles, the DPS&C inmate population can be substantially reduced.

Based on data received from the DPS&C, in 2009 there were 1,143 people who had been sentenced from Orleans Parish and released from its custody. The overall length of stay for these people was 3.0 years with an average sentence of 5.5 years.

Assuming that approximately 35% of these releases are low risk and do not require any special re-entry services. Another 20% are defined as either unwilling or unable to participate due to special security and other logistic issues (e.g., short sentences, unwilling to participate). The remaining 45% would participate in the 90-day program.

Based on these assumptions, the projected bed demand would be approximately 125 beds. The remaining 125 inmates would be dedicated to the existing work release program that is filled by DPS&C sentenced inmates.

Based on the need for a work release component and a 90-day re-entry program for suitable Orleans's sentenced prisoners reaching the end of their sentences, the size of the current DPS&C inmate population can be reduced to 250 inmates.

Option #3: Summons In Lieu of Arrest and Booking

The Task Force requested that JFA simulate the effects of issuing a summons in lieu of booking to the OPP for the crimes listed earlier. As shown in Table 1, there are approximately 2,000 bookings for these offenses with the vast majority of them being for possession of marijuana. The policy is that all such crimes would receive a summons. If all of these cases were diverted from the OPP the largest impact would be a reduction of 50 in the OPP daily population. However, some unknown portion of these cases may have other charges that may require booking on other charges. It is also likely that some portion of these cases will FTA, which will result in future booking. For these reasons it seems prudent to discount the effect by 25%.

Based on these assumptions, the pretrial misdemeanor population would be reduced by 38 inmates by the year 2012.

Table 1
Current Admission, LOS and OPP Population Estimates
For Selected Crimes
October 2009 to September 2010

Charge	Pretrial Releases	Avg. LOS (days)	Population
Flight from an officer	42	9.2	1
Interference with investigation	16	0.6	0
Possession of marijuana	1,510	3.7	15
Solicitation crime against nature	258	36.4	26
Prostitution	133	23.0	8
Total	1,959		50
With 25% Discount			38

Option #4: Greater Efficiency in Court Processing of Felony Court Cases

The next simulation request is to estimate the effects of a more efficient processing of felony charged cases. This reform is very difficult to make given the lack of information on the magnitude of the reform on time to release for these cases. It is known from the Metropolitan Crime Commission Report on Judicial Accountability that the median time to dispose of felony level cases has ranged from 120 to 144 days. The national time frame for felony cases is 92 days. This means that the time frame disposing such cases in Orleans is 36% to 23% longer. One could then assume that such a savings could be achieved in Orleans.

For purposes of this simulation it is assumed that the reduction in length of stay would approximate 30% for 75% of the cases that are not released via pretrial status and who are not impacted by the proposed pretrial service agency (Option #1). Based on this assumption approximately 2,800 felons who are not now being released via a bail or OR would benefit from this reform. Their average LOS would be reduced by approximately 30% or a total of 15 days. This would reduce the pretrial felon estimate by 117 inmates by the year 2012.

Option #5: Reduction in LOS for Technical Probation Violators

The final simulation assumes that some portion of the who are booked into the OPP as a probation violator would spend no more than three days in custody before being re-released. Currently there are approximately 200 persons in custody who are so designated. Assuming that 50% of these cases can be released within 3 days of admission (since some portion have underlying charges that may prevent their release), the impact would be to reduce the size of this population by 90 by year 2012.

The cumulative effects of these five reforms are shown in Table 2 and can be contrasted with the ten-year base projection as shown in Table 3. In essence, the two policy options would reduce the base projection by about 1,300 inmates.

Table 2
Policy Simulations of Implementing Pretrial Services Agency and Reducing
State DPS&C Inmate Populations

CY	Warrants	Pretrial Misd/Other	Pretrial Felony	Local Sentenced	Sub- Total	DOC	Total
Sept. 2010	114	597	1,359	169	2,239	950	3,189
2010	101	591	1,364	162	2,218	850	3,068
2011	93	519	1,168	161	1,941	250	2,191
2012	91	435	917	166	1,609	250	1,859
2013	84	418	917	165	1,584	250	1,834
2014	79	380	917	162	1,538	250	1,788
2015	77	359	917	163	1,516	250	1,766
2016	73	342	917	161	1,493	250	1,743
2017	66	320	917	168	1,471	250	1,721
2018	63	299	917	165	1,444	250	1,694
2019	65	250	917	158	1,390	250	1,640
2020	58	241	917	165	1,381	250	1,631
With 7.5% Peaking	62	259	986	177	1,485	269	1,753

Table 3
Orleans Parish Prison Ten-Year Base Forecast
CY 2010-2020
By Major Subpopulations

CY	Warrants	Pretrial Misd/Other	Pretrial Felony	Local Sentenced	Sub- Total	DPS&C	Grand Total
Sept. 2010	114	597	1,359	169	2,239	950	3,189
2010	101	591	1,364	162	2,218	950	3,168
2011	93	582	1,384	161	2,220	950	3,170
2012	91	563	1,381	166	2,201	950	3,151
2013	84	546	1,396	165	2,191	950	3,141
2014	79	522	1,383	162	2,146	950	3,096
2015	77	487	1,357	163	2,084	950	3,034
2016	73	470	1,349	161	2,053	950	3,003
2017	66	448	1,372	168	2,054	950	3,004
2018	63	427	1,350	165	2,005	950	2,955
2019	65	392	1,349	158	1,964	950	2,914
2020	58	369	1,360	165	1,952	950	2,902
With 7.5% Peaking	62	397	1,462	177	2,098	1,021	3,120