S. HRG. 110–271

RISING VIOLENT CRIME IN THE AFTERMATH OF HURRICANE KATRINA

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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RISING VIOLENT CRIME IN THE AFTERMATH OF HURRICANE KATRINA

WEDNESDAY, JUNE 20, 2007

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The Committee met, Pursuant to notice, at 10:49 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Patrick J. Leahy, Chairman of the Committee, presiding.

Present: Senators Leahy, Cardin, and Specter.

OPENING STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Chairman LEAHY. Good morning. I should note to begin with that I really appreciate the witnesses who have flown up here. I always appreciate the senior Senator from Louisiana, Senator Landrieu, and, of course, Senator Vitter being here. But they were in town, and I should just note that one of the reasons this hearing was somewhat delayed this morning is that a lot of the witnesses who were coming in last night arrived today.

As we know, when Hurricane Katrina struck New Orleans and the Gulf Coast nearly 2 years ago, no one knew the extent of the devastation or how long it would take to recover from this tragedy. One thing we do know is that the Federal Government's emergency response was inadequate, uncoordinated, and left far too many to suffer far too long after the storm. What we are now going to examine is not so much all the mistakes that were made in the response by the Department of Homeland Security and others, but we are going to examine the latest challenge to recovery from Katrina—the growing crisis of violent crime in the city of New Orleans.

Violent crime in New Orleans has reached near-epidemic proportions. It has emerged as the most serious threat to its recovery since the storm. In the first 3 months of this year, violent crime is up more than 100 percent compared to the same time last year. New Orleans has lost nearly half its population since the storm, but the number of murders, armed robberies, and assaults are on track to match totals from before Katrina. In the last 10 days, there have been eight more murders, bringing the total this year alone to more than 90.

The murder rate per capita is now the highest in America, more than 20 percent higher than in any other major city. At its current rate, New Orleans has 12 times as many homicides as New York City, 3 times as many as Philadelphia, and twice as many as

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Washington, D.C. The crisis is so severe that National Guardsmen and State police have been brought in to patrol the streets.

The criminal justice system was battered by Katrina. We know that. It is now strained to the breaking point. The New Orleans Police Department has lost more than 500 active police officers since the storm, and that is roughly, I believe, 30 percent of the force. The courts, the prosecutors, and police often work out of temporary facilities. Only 4 of 11 jail facilities in the city have been reopened, and, in some cases, temporary FEMA facilities are even used to house inmates.

In its weakened condition, the criminal justice system has struggled to keep order and bring justice to offenders. Last year, there were more than 160 murders in the city, and so far only one murder case has led to a conviction. Let me emphasize that. One of these 160 murders has led to a conviction.

And the problem is not unique to murder cases. In more than 3,000 criminal cases last year, the charges had to be dismissed and suspects released, at least temporarily, where in many cases indictments could not be brought within 60 days, as required by Louisiana law. The overall conviction rate is among the lowest in the country.

There can be no question that restoring order and security to the streets of New Orleans must be among our highest priorities in the rebuilding effort for Louisiana and the Gulf Region. Unfortunately, the response of the administration to this crisis has been too little, too late. And while the administration has written a blank check for the war in Iraq, a blank check for the police departments in Iraq and so on, it cannot seem to find the necessary support for those who need it in New Orleans and the Gulf Coast here at home. I would like to see the same amount of attention given to crises at home as crises in Baghdad.

Two weeks ago, Attorney General Gonzales announced a new violent crime program in response to the second year of FBI statistics showing violent crime is increasing. A great announcement, nice press conference, beautiful pictures. They must have spent a fortune on getting the posters and all to go with it. But it included no money at all for new State or local police officers on our streets. The COPS program has been cut out to send money to the police departments in Baghdad. And, regrettably, Attorney General Gonzales failed to even mention the violent crime problem in New Orleans, even though it is one of the worst in this Nation.

Over the last 6 years—the administration has abandoned any commitment to the COPS program even though in the 1990s it was the model for reducing violent crime to historical lows in this country. Again, we will send money to police forces in Iraq, Iraqi police departments, which tend to end up just killing each other, but we cut out the money for police departments in America.

So far the largest response to rising violent crime in New Orleans has come at the insistence of Congress, not the administration. In particular, it has come from the leadership of Senator Mary Landrieu, one of the witnesses we will hear from. We welcome her and her colleague from Louisiana, Senator Vitter. In January of this year, Senator Landrieu announced a 10-point plan to combat violent crime in the region. She laid out a road map to restore the

criminal justice system in New Orleans and Louisiana by giving help directly to those who need it most. It is a clear road map for success in battling violent crime in cities such as New Orleans. Congress must continue to lead on this issue if the administration will not.

Senator Landrieu, I want to thank you. You have helped to provide $50 million for law enforcement reconstruction in Louisiana as part of the supplemental bill just signed into law this month. So let us hope we can send the signal that we can fight violent crime in this country by working cooperatively with State and local law enforcement partners. Then we can bring back the vitality and pride of one of our Nation's greatest treasures—the city of New Orleans and the Gulf Coast region—and make it a secure and prosperous home for all its citizens.

[The prepared statement of Senator Leahy appears as a submission for the record.]

Senator Specter?

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Thank you, Mr. Chairman. I thank you, Senator Leahy, for scheduling this hearing on this problem in New Orleans. The Federal Government has responded, not as promptly or as adequately as we should have, but I have had many conversations with Senator Landrieu about this subject in the Appropriations Subcommittee which I chaired last year, and also with Senator Vitter. We have been trying to be helpful. And I think to focus attention on the law enforcement problem is very, very important and very timely.

It is always difficult to find additional resources, but the Federal Government really ought to step in, in an area like this to help out when there has been such a disastrous calamity in the area.

I have been talking to United States Attorney Letten about what has happened, and I am pleased to hear—informally we talked about it before the hearing started—that there have been some supplemental prosecutors assigned from other areas. I think that is highly desirable, and I think more of that can be done. We have an enormous Justice Department, a lot of U.S. Attorneys in our cadre, and that can be done. I was in the prosecution line at one time and had a big office and loaned people. We had a big murder in Pennsylvania many years ago, Yablonski and his wife and daughter. It goes back to 1969, a small county in Pennsylvania, Washington County, and I loaned a group of prosecutors to go and help out. So there is a lot of precedent for doing that.

I regret, Mr. Chairman, that I am unable to stay. We are very heavily engaged in immigration at the moment and trying to work through the final stages of an agreed list of amendments. But Senator Sessions has indicated his intention to come, so I hope we will be represented on this side of the aisle. But I will be following the testimony closely with staff and will cooperate in being as helpful as I can.

Thank you.

Chairman LEAHY. Thank you very much, Senator Specter.

Senator Specter and I first knew each other, incidentally, in Louisiana when we were both prosecutors. There are days when we think that was the better job of the two.

Senator Cardin, did you want to say something before we start?

Senator SPECTER. Were you at the DAs convention in New Orleans in 1971?

Chairman LEAHY. Actually, I was. That was the time when I got locked out of—

Senator SPECTER. What was that?

Chairman LEAHY. We will talk about that after.

[Laughter.]

Senator LANDRIEU. And we need you both back.

Senator SPECTER. I was just regaling U.S. Attorney Letten. Your DA was Jim—

Mr. LETTEN. Jim Garrison.

Chairman LEAHY. Garrison.

Senator SPECTER. I try to forget that name. I was one of the young lawyers on the Warren Commission staff, and DA Jim Garrison had a different view of the matter.

Chairman LEAHY. He locked us out of one of the buildings.

Senator SPECTER. Without detailing that, he opened up the convention with a press conference lambasting the Warren Commission, and the Board of the National DAs Association criticized him for criticizing the Commission. And when the Saturday night banquet came, we came to this beautiful hotel—

Chairman LEAHY. It was locked.

Senator SPECTER.—for the festive occasion and we were—

Chairman LEAHY. Locked out. As I say—

Senator LANDRIEU. Please do not hold that against us.

Chairman LEAHY. It gets even worse. It gets even worse. At that meeting I got elected Treasury of the National District Attorneys Association, and they said, "By the way, there is this very large advance we gave to the District Attorney's Office in New Orleans for that banquet. State's Attorney Leahy, would you please get that money back?" We eventually wrote it off.

Senator SPECTER. I was glad we were only locked out. He was locking up a lot of people.

[Laughter.]

Senator SPECTER. Promiscuously.

Senator LANDRIEU. It could have been worse.

Chairman LEAHY. He was then succeeded by Harry Connick.

Mr. LETTEN. Yes, sir, he was, in 1974.

Chairman LEAHY. And that is when I first—not that he would remember it. I met his son, who was just a little child. Go ahead. Sorry.

STATEMENT OF HON. BENJAMIN L. CARDIN, A U.S. SENATOR FROM THE STATE OF MARYLAND

Senator CARDIN. Mr. Chairman, I am very much interested in the history here and your role in all of this. I thank you, though, for holding this hearing.

Senator Landrieu and Senator Vitter had some of us down to New Orleans not too long ago where we could see firsthand the impact that the storms have had on the life of people in New Orleans

and Louisiana, and I tell you, until you have been down there and you see firsthand the problems.

I must tell you, I am pleased we are having this hearing, because as I read the back-up material for the hearing, I do not think most people realize the challenges that you have in law enforcement. Obviously, the effect of the storm presented additional challenges for law enforcement as far as neighborhoods and support systems. But when you realize also that your jails were destroyed in many instances, that the people that were responsible for law enforcement, not only the police officers but those in the prosecutors' offices and in the defense attorneys' offices were dislocated, it makes it a real challenge for how the judicial system can operate and how you can maintain the rule of law and law and order within the community.

Obviously, the focus was more on displaced individuals and rebuilding the levees and all these other issues, but the challenges that you confront are certainly daunting, and I am glad that we are having this hearing to see how the Federal Government could be more helpful in restoring the type of system that is necessary for the people of New Orleans.

Thank you, Mr. Chairman.

Chairman LEAHY. Thank you.

Senator Landrieu?

STATEMENT OF HON. MARY L. LANDRIEU, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator LANDRIEU. I thank you, Mr. Chairman, and members of the Committee and the Ranking Member for what you have done to date. And I thank you, Mr. Chairman, for focusing this hearing on what we need to continue to do as we look to the future. Thank you for inviting me and Senator Vitter to testify.

The disturbing and crippling increase in criminal activity has overwhelmed the city of New Orleans and parts of the region since Katrina and Rita and the unprecedented catastrophic flood that ensued when the levees broke in and around the city. I would like to welcome our constituents U.S. Attorney Jim Letten, Judge David Bell, Police Commissioner Anthony Cannatella, and Bob Stellingworth, who has really stepped up as president of the New Orleans Police and Justice Foundation, for helping to organize a community-wide and broad effort to help with this situation.

In 2006, over 160 murders occurred throughout the city of New Orleans, giving the city the ominous distinction of being the city with the most murders per capita in the United States. In fact, the 2006 homicide rate in New Orleans is 31 percent higher than any city with the next highest rate. It has been heart-breaking, every murder has been heart-breaking for the families, and it has spread fear in our community.

But, Mr. Chairman, this past January the situation in New Orleans emerged as a kind of crisis that shook the very core and foundation of our community. On the morning of January 4th, a home intruder shot and killed Helen Hill, a local film maker, and severely wounded her husband, Paul. Paul was a physician who had come to the city to establish a medical clinic in the heart of the city to treat the city's poor and uninsured.

When the police arrived at their home about 5:30 a.m., they found Paul kneeling by the front door, bleeding profusely from three gunshot wounds and clutching his 2-year-old son in his arms. Helen's body lay nearby, having been brutally shot in the neck. Her death was the sixth murder that occurred within a span of 24 hours.

The next day our local newspaper, which has truly been a champion of our response and recovery, ran a headline that said, "Killings Bring the City to Its Bloodied Knees."

This event served as a catalyst for organized and renewed community involvement, which for any community is always a challenge under normal circumstances to have law enforcement given the resources and coordination necessary to keep crime in some of our major cities at bay. But our situation, of course, as Senator Cardin has said, is much graver, and as you have indicated, Mr. Chairman, your knowledge of our situation.

As this map shows here to my right, the surge in murders has occurred across the city, but it is located primarily in Uptown, which is the neighborhood that both Senator Vitter and I come from, and the mid-city and downtown area. The red points represent open murder cases; the blue points represent the solved murder cases. But the one green point represents the singular successful prosecution, and I know that our prosecutors here will give some more details to that.

This year, as of June 18th, 91 murders have occurred. Given the repopulation of the city, if this expands, our murder rate will reach as high as 200 this year. In response to this crime, this Congress quickly recognized the need to appropriate additional money. Chairman Leahy, under your leadership, this Congress appropriated $50 million in the Emergency Supplemental bill for the whole Gulf Coast based on a formula of need—not politics but need—to direct these resources to the areas that need the most help.

That is in large measure what this hearing is about, I hope, today—for our witnesses to talk about how best to use these resources to supplement what is being done on the ground at the local level. Among these objectives, these dollars will ensure the full implementation of the New Orleans Anti-Crime Plan, which is supported by Common Good, the Metropolitan Crime Commission, Citizens for One Greater New Orleans, the City Council. James Carter, City Councilman, has taken the lead at the local level, along with our Federal officials, of which I have great respect for Jim Letten.

Most significantly, the Emergency Supplemental waives the Stafford Act requirement that localities match 10 percent of the cost of disaster recovery projects before the Federal Government pays the remaining 90 percent. This match has kept law enforcement and other public infrastructure tied in a morass of red tape for nearly 2 years.

I would like to show the picture of our headquarters. In consultation with our local law enforcement officials, I offered a 10-point plan. This is part of the plan, to waive that match. This is what our police department is operating in 18 months after a flood. The highest crime rate in the United States and it took us 18 months

to get the 10-percent waiver matched and 18 months to get the Federal Government to agree that it was impossible for the city of New Orleans to repay its loans within 3 years.

One of the reasons we could not step up the construction is because the Federal law required any money we borrowed would have to be paid back in 3 years. We are lucky just to be able to have these trailers attached to the ground. God help us if another hurricane comes.

Because NOPD still lacks central evidence storage, which was in large measure destroyed by the storm, we are putting our evidence in the back of an 18-wheel trailer. An 18-wheeler. I guess if a storm comes, we have to roll our evidence room to higher ground, and then when the water goes down, come back and continue to conduct trials.

We asked for a COPS grant. We were basically turned down because the COPS program is being dismembered. I hope that this Committee can help understand how important helping our police department is. That is what this hearing is about as well.

I want to thank the Justice Department for what they have done with the meager resources prior to this $50 million that we gave them, because they did send, at my request and Senator Vitter's request, some additional DEA agents and FBI agents, and I cannot tell you how grateful our community is for that help. And I know that my time has expired, but let me just conclude by saying I thank you for holding this hearing. While our challenges remain large, the people of our city and region are fighting for their home, for the safety of our home. We plan to return, we are returning, and we need your continued help as we make the reforms and improvements necessary.

Thank you.

[The prepared statement of Senator Landrieu appears as a submission for the record.]

Chairman LEAHY. Thank you very much.

Senator Vitter, thank you for being here. And, Senator Landrieu, I will make the same offer to both you and Senator Vitter. If you care to join the panel up here, feel free.

STATEMENT OF HON. DAVID VITTER, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator VITTER. Thank you very much, Mr. Chairman and members of the Committee, for this hearing. It is very important. I want to simply make four simple but I think crucial points.

Number 1, to state and restate the obvious, violent crime is an extremely serious problem in Louisiana, particularly New Orleans, and is a leading obstacle and impediment to recovery after Hurricane Katrina.

Number 2, I want to stop and pause and thank Congress, your leadership, others in Congress, and the administration for very significant Federal help to attack this problem. It has really been unprecedented with regard to Federal help to address what is generally ordinarily considered a local law enforcement prosecution problem. So thank you.

Number 3, I certainly want to urge all of us in Congress and the administration to continue and even expand that Federal help.

And, number 4, to me this is the singularly most important point. What is just as important, I would say more important than simply continuing that Federal help, we must leverage that Federal help and demand as a condition of that continuing Federal help that needed reforms on the ground in the community continue to happen and are followed through to completion, specifically within the New Orleans District Attorney's Office and the New Orleans Police Department.

Let me go into each of these four points briefly.

First of all, violent crime, as we all know is an enormous problem and an enormous obstacle to recovery. Again, it is up a total of 107 percent in 2007 compared to the same period in 2006. As was recently reported locally, we have an annual rate of 75 murders per 1,000 residents. Before Katrina, that rate was 56 murders per 1,000 residents. So basically we have half the people and virtually the same number of murders. It is completely unacceptable, and, of course, previous speakers have added to those statistics.

Point number 2, thank you for very, very significant Federal help. Our Federal representatives in terms of the lead agencies on the ground are superb. You will hear from Jim Letten, our U.S. Attorney. He has stepped up and his office has stepped up in an exemplary way helping with what are ordinarily State court prosecutions; Jim Bernazzani, head of the FBI office there, a great leader who has stepped up and become extremely involved also; $55 million in the June 2006 supplemental bill for crime fighting in the Katrina region; of course, a lot of that came to New Orleans; $24 million in the recent 2007 supplemental bill, again for crime fighting in our area; funding of innovative programs like work with the locals to protect victims and witnesses of crime. Witness protection was a huge need. The Feds have helped develop those programs locally. Justice, FBI, others have sent additional agents down. Mary mentioned DEA. That has been very significant. Violent gangs, Safe Streets Task Force, DOJ has started that. That has been significant. Helping to put together a violent offenders unit in the DA's office, very important. So really unprecedented help and thank you.

Point number 3 is, unfortunately, because of the situation on the ground, that absolutely needs to continue and even be ramped up, if at al possible. And I urge all of us within Congress and within the administration to continue this focus and this extraordinary help given extraordinary circumstances from the Federal level.

I know you all are committed to that, and I thank you for that. And that was recently displayed in the very recent supplemental bill, but I really urge that focus and that help to continue. And we have additional ideas for that. A community prosecutors unit we have requested funding for. Placing assistant district attorneys in each of the New Orleans Police Department's eight district offices, very important. So please help fund these items.

But fourth, and finally—and I will end with this, and I really do think it is the most important point. This problem ultimately will not be solved because of Federal resources alone or because of Federal personnel. At its core this problem is a local crime problem, which at its core is only going to be solved by proper action and discipline and organization on the ground, particularly within the

New Orleans Police Department and the New Orleans District Attorney's Office. So because of that, I believe the single most important thing any of us can do at the Federal level is use the Federal help to leverage and to demand the necessary reforms and changes on the ground, particularly in the New Orleans DA's Office and the New Orleans Police Department.

At its core all of these problems pre-existed Katrina. Now, Katrina made them worse, made them a lot worse, put additional strains and stresses on the situation because of the destruction of buildings and infrastructure and all sorts of things. But that is not what is going on in terms of the fundamental problem. Fundamentally, these problems pre-existed Katrina and go to certain organizational and in some cases political issues on the ground. And I urge all of us at the Federal level to use the Federal help to leverage, to demand, to enforce the changes, some of which have begun or are ongoing, but none of which have been ramped up to completion to demand those reforms and changes that need to happen, particularly in the New Orleans DA's Office and the New Orleans Police Department.

Thank you very much.

Chairman LEAHY. I find it interesting that, of course, people in New Orleans have to do much, but when you have things like cutting out all the COPS money—and that was a Federal program that worked very, very well, I believe. Crime came down during that time. And I realize in this administration, at the risk of being partisan, they seem to feel that if anything came from the previous administration, it must be wrong, so they just cut the money out—part of the reason being that we need money, the administration says, for Iraq. But wouldn't you think that a program like that would be helpful? I have talked to mayors, Republican mayors and Democratic mayors, from all over the country, and they say the COPS program has been one of the most helpful things they have had in bringing down crime. And that is a Federal—

Senator VITTER. Yes, Mr. Chairman, I have supported the COPS program very consistently, so I would support that. But, again, just to restate my last point, because in my mind it is the most important, that alone, that sort of Federal help alone, in my opinion, will not have us turn the corner in terms of violent crime in New Orleans. We need to use that help, in my opinion, to leverage it to demand the necessary reforms and changes locally. And without that happening, I believe the problem will not be solved. But we have an enormous tool in terms of this Federal help if we can leverage that, use it to demand those necessary changes.

Chairman LEAHY. Thank you.

Senator Cardin?

Senator CARDIN. Just very briefly, it takes a really special person who wants to devote his or her life to law enforcement or the DA's office. It is a sacrifice just to do that. And then to work in a city that has unusual challenges, as New Orleans had before the storms—and it certainly has been made a lot worse after the storms—and then to show up every day and work in a trailer or to try to get your evidence out of a tractor-trailer to me is just unbelievable. And we expect people to do this.

You have got to start somewhere, and I do think that you are in crisis, and it requires some signals, including from the Federal Government, to allow law enforcement to have the type of facilities that they should have, to have the type of trained personnel that they need, and, yes, we do need the cooperation at all levels of government here. But I do not think this is acceptable to have to work under these conditions. It makes it so much more difficult for people to show up every day and to be positive about their jobs.

Senator LANDRIEU. And let me just add, if I could, that I hope that we do not use the need for reform, which is obvious not only in the city and the region but in other places around the country, as an excuse not to provide the resources that we need to get the job done. This is an unprecedented challenge. It is going to take unprecedented resources, and it is going to take the focus of the Federal Government to help at the local level to get the job done.

Thank you.

Senator CARDIN. Thank you, Mr. Chairman.

Chairman LEAHY. Thank you very much.

If the witnesses for the panel could come forward, we will get your name tags. We may have a roll call vote here. If we do, I will leave and vote but then come right back. Before you get too settled in, gentlemen, I am going to swear you in, which is our custom. Don't get too comfortable, Mr. Cannatella. Sorry.

Please raise your right hand. Do you solemnly swear that the testimony you will give in this matter will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LETTEN. I do.

Judge BELL. I do.

Mr. CANNATELLA. I do.

Mr. STELLINGWORTH. I do.

Chairman LEAHY. Thank you.

First off, let me thank you again for persisting. There is probably nothing more frustrating, nor more understandable, than flight delays because of weather. Every one of us who—except for those Senators who can drive home in the evening, Senator Cardin.

[Laughter.]

Chairman LEAHY. But those of us who have to fly back and forth to our homes on the weekend know what that is like.

James Letten has served as United States Attorney for the Eastern District of Louisiana since April 2001. He has been a Federal prosecutor for more than 25 years. He has served in a number of positions within the U.S. Attorney's Office, including chief of the Organized Crime Task Force and First Assistant prior to being named U.S. Attorney. He was the lead prosecutor in the investigation and successful conviction of former Louisiana Governor Edwin Edwards in 2000. He was recently awarded the 2005 United States Attorney General's Medallion for Distinguished Service to recognize his leadership following Hurricane Katrina. He is a native of New Orleans, received his J.D. from Tulane Law School in 1979.

Mr. Letten, as both Senator Specter and I have said, you have got the better job.

The time should not come out of my introduction of him.

Go ahead.

STATEMENT OF JAMES B. LETTEN, U.S. ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA, NEW ORLEANS, LOUISIANA

Mr. LETTEN. Thank you very much, and good morning, Mr. Chairman and members of the Senate Judiciary Committee. I am Jim Letten, United States Attorney for the Eastern District of Louisiana, and it is a distinct honor to appear here before you representing the outstanding men and women of our U.S. Attorney's Office and Federal law enforcement.

I am particularly honored and pleased on both a personal and professional note to be providing testimony here today in the presence of and along with and to my home-State Senators—Senator Mary Landrieu and Senator David Vitter—and I want to thank you for the support you all have provided us, and it is outstanding. Thank you very much.

I am also privileged to be here on this panel with three men with whom I have had the honor of working very closely on groundbreaking initiatives against violent crime in New Orleans for some time. I might add that serving as U.S. Attorney in this great district is a unique personal honor for me, a New Orleanian born and raised with roots on both sides of my family running many generations deep. In fact, our family's law enforcement commitment to this area includes my great-grandfather, who in the summer of 1898 gave his life in the line of duty as a New Orleans police officer while apprehending a wanted violent criminal just about four blocks from the office which I now occupy. Sadly, some things do not change.

It is worth noting that prior to Hurricane Katrina, the city of New Orleans grappled with one of the highest per capita homicide rates in the U.S. In fact, just a few short months before the hurricane, at the mayor's Crime Summit Breakfast, I warned that the viability and even survival of our city—and I think it still holds—will depend on the ability to control and reduce violent crime; to deter public corruption—which has gutted our economy and contributed to an enormous population, business, and talent drain; and to provide a viable, lasting, and top-notch educational system, especially for the poor, and also to diversify our deteriorating economy.

As this city repopulated post-Katrina, particularly beginning in the spring of 2006, our office, coupled with our Federal enforcement partners, and NOPD have aggressively pursued the administration's and the Department's violent crime reduction goals under Project Safe Neighborhoods. Indeed, it is this very population return, including individuals with a hard-core criminal element, under severely adverse conditions that resulted in 161 homicides in New Orleans alone for 2006, with a population of only about 200,000.

Now, as of today, there have already been, I believe—and I could be corrected by Chief Cannatella—90 homicides in Orleans Parish this year—91. I am sorry. In attempting to help address the violent crime problem, we in the Federal system place particular emphasis on attacking drug-and firearm-related crime. During the last two decades, the drug trade—and this is important—in New Orleans has largely been limited to low-level street trade, primarily en-

gaged in by young men from poor areas, who either alone or in very loosely knit, non-structured groups or gangs sell drugs and violently engage one another and settle disputes with firearms. In fact, New Orleans does not suffer a traditional structured gang problem. In truth, however, the loosely knit criminal element in New Orleans is far more difficult to identify, penetrate, infiltrate, and control than structured organized gangs would be.

A population of perhaps 20,000 to 60,000 migrant workers also tends to put a certain amount of stress on the State, local, and Federal enforcement in the region. And, importantly, the vast majority of the homicides we have talked about and other violent offenses must be handled by the local criminal justice system as they simply do not fall within Federal jurisdiction.

But we on the Federal side, nevertheless, see opportunities to act boldly where our Federal resources can be brought to bear, and we have and we will continue to do that.

We have made positive strides on the Federal level investigating, arresting, indicting, prosecuting, and imprisoning many of these individuals. But our crime problem here is a result of a very complex landscape, including such factors as: thousands of returning poor individuals with inadequate, unsafe housing, employment opportunities, and a huge drug culture; often inadequate schools, after-school athletic and other opportunities, feeding juvenile crime problems post-Katrina; an unknown number of unaccompanied minors and returning drug dealers and violent criminals—and I believe this is a critical point—who have chosen to return to New Orleans to exploit dysfunction in the local justice system, including a now notorious revolving door which has likely attracted an inordinately high number of offenders in relation to the relatively small population of the city who, if arrested on local charges, often anticipate being released from prison or their bond obligations within 60 days if formal charges are not filed against them in that period.

Some 3,000 of these Rule 701 releases occurred in 2006 alone. Disturbingly, according to recent reports, over 2,100 of these releases have occurred since January 1, 2007, despite local commitments to fundamental but critical enforcement and charging policies, which, if successfully implemented, should seriously ameliorate these problems.

Further, despite a committed reform-minded police superintendent and staff who I admire a great deal, NOPD still suffers many challenges, including hemorrhaging of experienced, competent officers to other agencies in cities, a phenomenon which is now plaguing neighboring Jefferson Parish; continued shortage of adequate jail space for arrested offenders, including for juveniles; the need not only for permanent headquarters and administrative facilities, so eloquently addressed by our home Senators, but also integrated case-tracking technology; and a critical paucity of mental health and drug treatment facilities, providers, and services in both New Orleans and surrounding parishes.

In calendar year 2006, our U.S. Attorney's Office produced 32 more indictments in drug and violent crime cases than in 2005, despite the fact that we had only half the population of pre-Katrina New Orleans.

In 2006, our charges against serious immigration felons tripled over 2005. In total, between January 1 of 2006 and June 13, 2007, our office has indicted 356 individuals on violent crimes and firearms-related felonies, with an additional 708 individuals on serious drug-related felonies as well.

Chairman LEAHY. Mr. Letten, we are going to put your full statement in the record. The vote has started. I am going to have Judge Bell speak now. We will have time to get his testimony before Senator Landrieu and I have to leave for the vote. And then we will come right back, and I have a number of questions based on your testimony, which I think is superb.

Mr. LETTEN. Yes, sir. Thank you, sir.

[The prepared statement of Mr. Letten appears as a submission for the record.]

Chairman LEAHY. David Bell is the Chief Judge of Orleans Parish Juvenile Court; J.D. in 1995 from Southern University Law Center on the President's scholarship, established David L. Bell Associates, attorney focused on legislative advocacy, family law, and criminal law; elected juvenile court judge in 2004, became chief judge in 2005—a meteoric rise. With the support of his colleagues on the bench, the New Orleans City Council, and stakeholders across the system, he is leading the juvenile justice reform efforts in New Orleans.

Judge Bell, thank you very much for being here.

STATEMENT OF DAVID L. BELL, CHIEF JUDGE, ORLEANS PARISH JUVENILE COURT, NEW ORLEANS, LOUISIANA

Judge BELL. Yes, sir, I will begin by saying thank you for having me as well. I will be brief.

In a nutshell, we need Federal funding. We greatly appreciate the $50 million that you all gave us. But for that $50 million, we probably would not be here today to talk about violent crime. But we need dollars with flexibility. Those dollars were given for the sole purpose of restoring us to the position that we were in pre-Katrina, and post-Katrina we have different problems, we have different issues, and we need different solutions. We need flexibility with that funding.

Broken windows is not going to work in our community. Eighty percent of our windows are broken. You know, zero tolerance is not going to work in our community because there is not faith, there is not belief in our justice system. So you cannot go into a community and arrest someone, have them released, and then say, "Now tell me who committed that murder," because there is now a distrust of you.

We need a new approach. We need the ability to allow our U.S. Attorney, our district attorney, our judicial system, our police system to work together to create solutions—solutions to our current problems, not solutions to our pre-Katrina problems. But we cannot do it without your money, and that is just an honest statement. We do not have the tax base that we had pre-Katrina. We do not have the economic viability that we had pre-Katrina. Twelve percent of juvenile arrests are for possession of a firearm. Nationally, it is about 3 to 4 percent. They are going to go from my system to Jim's system if we do not do something about it.

Twenty-eight percent of our arrests are for possession of drugs and drug use charges. A lot of that is self-medication of juveniles due to post-traumatic stress syndrome, and there are no mental health facilities there. We cannot fund that $50 million because that is something that did not exist pre-Katrina.

We had a great Weapons and Violent Elimination Court pre-Katrina that was funded federally. We could not apply for funding for that with this $50 million grant because we were already receiving Federal funding, and the Federal funding for it ran out. And now our weapons charges are up probably the highest in the Nation.

We have a YAP program, a Youth Advocate Program, that has a 91-percent success rate that expires at the end of June that we do not have funding for. A 91-percent success rate, but this grant could not fund it and cannot continue to fund it because it is a program that we did not have pre-Katrina.

We have a Report Resource Program that is intensive in community treatment that has a 57-percent success rate for 689 kids that are enrolled in the program. We could not get funding for it because it did not exist pre-Katrina. We have one person full-time working that program, two people part-time working that program, and we have a 57-percent success rate. It is an excellent program, and we should have the flexibility to sit down with our police, with our DA, with our U.S. Attorney and—

Chairman LEAHY. Basically what you are saying, Judge Bell—and I apologize I have cut you off before your time is up, only because what you cannot see behind you is some lights going on that indicate I have got about 5 minutes to get to the floor. Basically what you are saying is not only do you need the Federal funds, you need some flexibility. You are not Burlington, Vermont. You are not cities across the country that have not been devastated by one of the worst natural disasters in history. You need the money, but you need flexibility in how you use it.

Judge BELL. Yes, sir.

[The prepared statement of Judge Bell appears as a submission for the record.]

Chairman LEAHY. We will be right back. We will stand in recess.

[Recess 11:32 a.m. to 12:03 p.m.]

Chairman LEAHY. If we could reconvene, Judge Bell, I cut you off there because of the vote. Did you want to add anything further? You have gone through—I was going to say "hell and high water," but I guess wind and everything else to be here.

Judge BELL. No, sir. I think you got the gist.

Chairman LEAHY. Thank you.

I hope you understand, you and Mr. Letten and the others, those of us who have even looked at—whether we have been in law enforcement or education or anything else, just cannot get around the staggering numbers of what you have to do.

Deputy Superintendent Anthony Cannatella is a third-generation police officer, and correct me, Superintendent, if I am wrong, on the New Orleans police force for over 40 years. He was on duty and commanding the police response during and after Hurricane Katrina, commands the Operations Bureau where he is responsible for supervising more than 1,000 of the police force's 1,200 officers,

including the SWAT, Tactical, and Mounted K–9 units, the Traffic Division,

and all the city's eight police districts.

Superintendent Cannatella, please go ahead, sir.

STATEMENT OF ANTHONY W. CANNATELLA, DEPUTY SUPERINTENDENT, OPERATIONS BUREAU, NEW ORLEANS POLICE DEPARTMENT, NEW ORLEANS, LOUISIANA

Mr. CANNATELLA. Thank you. I appreciate being here today. I would like to thank you and Senator Landrieu and Senator Vitter for having us here on behalf of Superintendent Riley, who could not be here today.

Mr. Letten spoke to the causes of crime, and I think everybody is well aware of the causes of crime in New Orleans, so I will skip through that, and we will get into the problems that the New Orleans Police Department is faced with.

At the present time, we lost so far 217 officers in 2005 since Katrina—that is post-Katrina—and 216 in 2006. As of June 18 of this year, we have already lost 72 officers. We just graduated a Police Academy class of 44 officers that are in their beginning stages of field training. We have an academy class currently with 45 recruits, and we have a second class we are trying to put together that should have 50 recruits. Our 2005 high employee was 1,741 officers. We are down at this time 505 police officers until those two recruit classes graduate.

Given the losses that we suffer continually, when those classes graduate, we will still be down 541 police officers. At the current time, we are patrolling the city of New Orleans with approximately 1,200 officers, and we are losing 30 percent of our force a year. And the reasons range from working conditions, loss of buildings, infrastructure in the department, living conditions. Eight hundred police officers of the New Orleans Police Department lost everything they owned in Hurricane Katrina. Those officers' families are spread out—most of them still are spread out all over the United States. Due to some tremendous efforts of the New Orleans Police and Justice Foundation to secure low-interest loans, several of our officers have been able to purchase homes and move back in. But at this time, we still probably have 500 police officers that are not living in homes. They are living in FEMA trailers. And they are living spread out. We had to drop our domicile requirement and allow our police officers to live anywhere they could find a house. We have officers that actually live in Mississippi that are traveling daily from Gulfport, areas right outside of Gulfport and Diamondhead, Mississippi.

Chairman LEAHY. How far is that?

Mr. CANNATELLA. Ninety miles, a hundred miles. Twice a day.

Chairman LEAHY. And then put in their regular shift once they get there.

Mr. CANNATELLA. Yes, sir. And excuse me if I skip around, because to me reading just does not always say it. I am an old street cop.

Chairman LEAHY. You are saying it pretty well.

Mr. CANNATELLA. Thank you. I am an old street cop, and I would rather just get to the heart of the subject.

Besides that, we lost over 300 of our police cars in Katrina that were flooded. FEMA has replaced approximately 200 of those police cars. With the city's finances being what they are and not back up to strength, we have not replaced the fleet that we were able to save in Katrina. So the average age of our police vehicles is 7 and 8 years old. We are driving police cars, Senator, that have over 175,000, 200,000 miles.

All of this coupled together, you know, people keep asking me, "What is the one thing we could do, Chief, to get your department back up and running?" And there is no one thing. It is a lot of things. It is getting our officers back in standard housing. It is raising pay to competitive levels, because every police department for 500 miles around the city of New Orleans is in our pond fishing. The hurricane had not left the city yet, and we had several police departments from the surrounding States that were recruiting our officers away from us.

The officers' families are spread out all over the United States. They have to take vacation days to visit their families, you know, once a month, if they are lucky. And when they go to these other cities and find out that their wives, or in some cases husbands, have better jobs in those communities, better schools, housing, and the police chief there is holding out the cash, the of course, is saying, you know, "I think I need to stay here with my wife," or like I said, some husbands. And we are losing them that way. We have no way to retain our police officers, and as you know, that 10-year period of a police officer's career, that is the make-or-break point. To us, your veteran officers, 10 years, and those are the ones we are losing and we are not getting them back.

I really think that—and the buildings, we are still working to this day—New Orleans police headquarters just started being repaired. Twenty-two months after Katrina, we are still working—all the bureau chiefs and the superintendent are working out of FEMA trailers. Our special operations, tactical, SWAT, traffic is working out of FEMA trailers. We have three police stations working out of FEMA trailers. That is actually police districts. Our crime lab just got up to 50-percent strength by renting some lab space from the University of New Orleans.

To me—and I think Judge Bell will champion this—one of the telling problems we have, the New Orleans Police Department Juvenile Division was housed in police headquarters, and it had cells for juvenile arrests. Now juvenile prisoners that we arrest are actually booked in a FEMA trailer and released to their parents. Recently, we had a 14-year-old female juvenile that committed an armed robbery with a gun. We had to assign two female police officers to guard her over the weekend until she could be brought in on Monday for a detention hearing. At that point she had to be released back to her parents. This is an armed robber that stuck a gun in a tourist's face and robbed him. We have no place to book juveniles, and Judge Bell has probably 19 beds to assign the violent juveniles. So there comes a point where the judges have to decide who is the worst of the worst, and those are the 19 males that we keep. And unless I am wrong, we still do not have a bed—we called it a "bed"—a slot to put a female prisoner.

Chairman LEAHY. I understand. I spent 8 years in law enforcement before I was in the Senate, and I have gone through your whole testimony, all of which will be part of the record. But there must be some days you do not even want to get out of bed when you consider all the problems.

Mr. CANNATELLA. Quite a few days. There are quite a few days I do not want to get out of bed, to be honest with you.

I will be honest with you, Senator. If you were in law enforcement, you understand that the hardest thing a commanding officer has to do is look at a young officer that is dead tired on his feet or her feet, worked long hours, been in court, and as they walk out of the police station, the person they just put in jail for armed robbery is already walking out ahead of them, getting in the back of a taxicab going home with their mother. And it is frustrating, and to drive 80 to 100 miles a day to and from work is ludicrous in this country. Again, I do not think we could put our finger on any one thing.

Heroes? You know, my wife asks me every day, "Why do you still do this after 40 years? What, are you crazy?" Yeah, I am crazy. But you get to go to work every day with a group of heroes that, to me—and I have got to be totally frank with this entire country. I do not think the New Orleans Police Department, the New Orleans Fire Department, and the New Orleans Paramedic Corps has ever been given what they are due for what they did for this country, because New Orleans is not just a city, it is part of this country. And those three agencies saved that city for this country. And I am telling you, it was—and please do not take this wrong, but, you know, it is the first chance I have had to say this on a national level, and I have got to say it. There were no elected officials, there were no other government agencies, there were no civil service employees that were doing what the police, fire, and EMS in the city were doing.

You know, people say the sad state of the young people in this country. Well, I stand to differ. The young police, firemen, and paramedics that I saw, I feel like this country is going to be in good hands, because I saw heroes, kids, 20-year-old officers. We had a female officer, Senator, that was out of the Police Academy 2 weeks. She spent three nights on the roof of her house in Lakeview because it was flooded. When she was rescued, she helped save other people. She finally found a way to call me at my district station and said, "What do you want me to do?" I said, "Go up in the country where your family is, take a few days off, and call me." Two hours later, that young lady was standing at my side saying, "I am a police officer. What do you want me to do?" And she has not missed a day's work since. And she is not the only one.

Chairman LEAHY. You know, you said that that story has not been told. You just told it. And I hope a lot of people heard it.

Mr. CANNATELLA. I apologize for the emotion.

Chairman LEAHY. As I have said, I have talked with Senator Landrieu many times about this, our staff who has gone down and everybody else, and if something like this hit my little State, I do not know how we would ever keep the vital services going. And law enforcement, the courts, those things are vital services. So I commend you for it.

Mr. CANNATELLA. Thank you.

Chairman LEAHY. Please, when you go back, tell the men and women you command that I am proud of them.

Mr. CANNATELLA. Thank you. They will be glad to hear that. They really will.

Again, you know, we keep hearing about reform, reform, reform. Well, let me tell you, the New Orleans Police Department is as reformed as we could make it. We have implemented several reforms that we think are going to correct some of the problems that every major police department in this country has suffered. We had problems before. We certainly have problems since Katrina. And we have reformed our police department. Now it is time to give them what they do, and, you know, we stand ready to take the challenge and fix the crime problem. But it is going to take money. I hate to say that because I hate to be a beggar, but that is just what it is. Until we fix our police stations and our police vehicles and our fire trucks, I do not see it.

Thank you.

[The prepared statement of Mr. Cannatella appears as a submission for the record.]

Chairman LEAHY. Thank you.

Robert Stellingworth is the President and CEO of the New Orleans Police and Justice Foundation. Prior to that, he was the Executive Director for the New Orleans Police Foundation. Prior to that, he spent 25 years as a special agent for the Bureau of Alcohol, Tobacco, and Firearms, special agent in charge for the New Orleans Division from 1994 to 1997, holds a degree in criminal justice from Michigan State University.

Mr. Stellingworth, you have been very patient. Go ahead, sir.

STATEMENT OF ROBERT A. STELLINGWORTH, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NEW ORLEANS POLICE AND JUSTICE FOUNDATION, NEW ORLEANS, LOUISIANA

Mr. STELLINGWORTH. Thank you. Senator, I wish to thank the Committee and Senator Landrieu and Senator Vitter for this opportunity to present a community perspective regards the justice system and violent crime in New Orleans.

The New Orleans Police and Justice Foundation is a nonprofit 501(c) 3 founded in the mid-1990s. Our mission is to improve the criminal justice system in Orleans Parish through partnerships with a special focus on the New Orleans Police Department. Today we are also representing the views of the NOLA Anti-Crime Coalition, a diverse consortium of over 15 community-based organizations whose fundamental goal is to make New Orleans a safer place to live, work and visit.

The foundation was born out of community outrage in the mid-1990's over police corruption and violent crime. Prior to 2005, almost all our efforts were focused on providing business practice and philanthropic assistance to the New Orleans Police Department. Although this approach had some level of success, we came to recognize the justice system was just that—a system in need of reform. From the $30,000 annual salaries for new prosecuting attorneys to the severe underfunding of the criminal and municipal court systems to the high level of incarceration needed by the par-

ish sheriff to sustain operations, the system was at best a fragile Band-aid on a major community injury that was slowly bleeding the city to death. With consistent annual police arrest rates of well over 100,000 in a city with a population of less than 500,000, it was becoming obvious efforts to simply arrest our way out of the crime problem were not working. Finger pointing was popular with judges blaming the DA, the DA blaming the police, and the police expressing concern over the revolving door created by the DA and judges. A large portion of the community was disengaged, accepted the elevated levels of violence and considered the antics of system business as usual. Other segments of the community had grown to mistrust the police.

Hurricane Katrina washed all pretenses away and revealed the underfunded system and fragile financing structure for what they were. The storm also revealed the social ills that helped drive the crime problem, social ills that will not be fixed instantly and are shared with many other cities across America. With the return of violent crime, a reenergized community identified justice system inefficiency as an issue that needed to be addressed.

Analysis conducted by the foundation has identified a wide variety of systemic issues that feed these insidious inefficiencies. A list so long it seems almost overwhelming. We divide the issues into three separate areas: infrastructure, human capital, and operational business practices. I would like to take brief time to address each.

Infrastructure has been well documented by the testimony of the other witnesses. It is the nuts and bolts of the system. In spite of some success, we have simply failed to restore the infrastructure needed by the justice system. NOPD remains in FEMA trailers, as you saw. The superintendent is dealing with a third projected move-in date to their previous headquarters. Police districts operate from temporary space and in disrepair. The DA is in a third temporary location with no hard date for reoccupancy of his pre-Katrina building. Cramped space, I might add. Baseline funding for the indigent defender program has all but disappeared due to reliance on traffic fines which are not generating revenue at pre-storm levels. The sheriff has been forced to house offenders in tents; prerelease and witness protection programs go unfunded.

Human capital keeps the system alive. Staffing is down across the board due to mandated budget cuts in budgets that were well below an acceptable level before the storm. The NOPD has lost about 500 police officers from a cadre of 1,700-plus. Recruiting has been at best difficult; attrition remains a problem. The foundation documented over 80 percent of the officers had significant damage to their homes to the point where they could not return to them. Some still remain in temporary living accommodations, as Chief Cannatella has so eloquently put it.

There are success stories. The DA starting salaries are now in the $50,000 range, and Federal grants have helped to establish a violent crime prosecution unit staffed with highly qualified attorneys in the $80,000 range. Over 500 first responders have refurbished or purchased new homes using private sector home loan subsidies averaging $5,000 provided by the foundation. Police salaries have also been increased; residency rules have been relaxed.

In spite of these gains, serious shortfalls and inequities in staffing levels remain. Critical interim hurricane grants and funding that support human capital resources will soon expire with serious concern about the availability of alternative funding.

Operational business practices before Katrina were under serious scrutiny, and it is now generally acknowledged the system was broken prior to Katrina. Basic police/DA communication processes were flawed; state-of-the-art technologies and integrated systems were not available.

Post-Katrina, manual processes remain, but with significantly fewer support staff, thus creating long delays and inaccuracies. A joint effort with widespread participation has been started to automate business practices and information sharing. Senator, I might add this is a leap of faith by the various elements to come together to try to fix this system using integrated computer systems, and we are proud to be a part of that effort, and we are proud to be actually the negotiators of that effort. And there is strong will in the community if the funding is there to integrate the justice system and improve these services.

As I have said, the task before us remains daunting, and I have touched only on very few issues in this short time. I wish to thank you for this opportunity to discuss the crime problem in New Orleans. Thank you.

[The prepared statement of Mr. Stellingworth appears as a submission for the record.]

Chairman LEAHY. Well, thank you, Mr. Stellingworth.

You know, I look at this and I listen to all of you, and I have read your testimony. You see these grave problems with the justice system after Hurricane Katrina. The murder rate is worse than ever. Police are understaffed and working out of temporary facilities. Prosecutions and convictions of offenders is at an all-time low. The corrections system is way below its capacity to even handle what is going through.

This may seem unfair, because I do not mean to exclude other things, but let me start with you, Mr. Stellingworth, and I will ask the same question of everybody else.

What is the most important, the Number 1 most important issue facing New Orleans in combating violent crime? And what can be done? Assuming you could direct the Federal response, what can we do?

Mr. STELLINGWORTH. Senator, I have the answer to that question. The answer is to restore faith in the system. That is a very complex issue. We must restore faith in the criminal justice system in Orleans Parish, not only for the recovery to continue but for the people to stay, for the infrastructure to return them to normalcy. They need normalcy. We are losing people. They are tired of crisis, Senator. They are tired of being in a constant crisis mode. They want to get back to normal. Restoring faith in the justice system and returning the people and the human capital to normalcy I would say would be the Number 1 task.

How you do that? It is going to have to be widespread reform of systems. It is going to have to be financial support. It is going to have to be continuing the Federal programs that are there and allowing those programs to take full effect.

Chairman LEAHY. You are saying these people need to get their lives back.

Mr. STELLINGWORTH. You got it. And the system needs to have faith restored to it.

Chairman LEAHY. Chief?

Mr. CANNATELLA. Pretty well said. To me the bottom line is lives are just still upside down. It is nothing normal going on in the city of New Orleans right now. Again, I can only address the police response. I think the police department is tired. They are worn out, they are tired, they have not had a break since the hurricane. November 30th of this year, we are going to lose 300 Louisiana National Guard troops that are going back. We are going to lose Louisiana State Police officers that are being called back. And on that date, the New Orleans Police Department has got to stand up and patrol this entire city with 1,200 police officers when we did it before with 1,600.

And, again, there are vast areas that are still abandoned. However, they still have to be patrolled. They still have to be protected. And they are still being burglarized, copper pipe and people's belongings. So the answer is we have got to get our police department back up on its feet.

I think the faith and hope that he is talking about has to start with the police. We are the first rung in the criminal justice system. If we are not functioning, you know, the prosecutors, the judges, the rest of it is not going to work either. So we have got to get—you know, we are trying to rebuild police headquarters to what it was. It was a 40-year-old building. That dates me. It opened the day I started so we are old pals. Why do we want to rebuild a building that is 40 years old? Why not just move it out of the way and just start over and just build a new building?

You know, work environment is a big thing to everybody. No one wants to come to work in a dump, in a trailer. And these are not trailers built for what they are being used for.

Chairman LEAHY. Judge Bell?

Judge BELL. I think each system needs to be allowed to determine its funding priorities. I think that, you know, we cannot—I think the chief here hit it on the head. You know, we cannot just do what we did before, and we cannot be allowed to use these Federal resources only on what they were used before. We have to be able to prioritize our resources and our expenditures based on crime patterns, you know, and communicate with one another through interagency communications and collaboration so that we can attack, you know, spikes in murder, you know, so that we can attack—or place services in areas that have high instances of violent crime or drug usage. And we do not have the flexibility to do that right now with the proceeds that were previously sent down. And I think that is a large part of this problem. When you give me a dollar and say, you know, you have to spend this dollar for this water, and I need my medicine, you know, the water is not really going to help me. And that is what is happening right now.

Chairman LEAHY. Mr. Letten, you have had far more experience as a prosecutor than most people who testify before us here. What would you say to that question?

Mr. LETTEN. Senator, while I really agree very strongly with everything these men have said and I agree with the basic tenet, the basic premise that was enunciated by Bob Stellingworth, whom I respect a great deal, that faith in the system, the local criminal justice system, has to be restored, I do not want to sacrifice candor on the altar of diplomacy here. I have got to tell you that the local criminal justice system, which focuses mainly around the District Attorney's Office and its ability to prosecute, is only going to win the hearts and minds and the faith and the trust of the citizens if it becomes efficient and simply does a better job. And I have got to tell you that while there are some fine men and women there—and I do not criticize anyone individually—I will tell you that we have fought this issue for a very, very long time.

For instance, let us talk about the judges. Until not a single judge any longer reduces a bond of a person charged with a violent felony unless and until he or she actually considers the facts of that case and does not do it with a phone call, there is going to be a problem.

Until the District Attorney's Office is given the type of leadership, management leadership that actually creates, I think, effective organization in that office and implements the kind of prioritization of cases, communication with NOPD, and internal efficiency in screening cases and charging cases and preparing witnesses and treating victims and witnesses properly and getting them to the table and earning them the credibility that they deserve before the citizens and the courts and the juries, I do not believe we are going to advance the ball.

I believe, if anything, that everything needs to be fixed because, as someone once said—and it probably was not me. I am sure I plagiarized this from somebody. You know, these are like the pieces of a clock or the movement of a clock. In the criminal justice system, if one of these entities—whether it is a clerk's office, public defender, DA, or whatever—does not work to full capacity, the thing slows down or stops. I believe, however, that probably the most glaring issues reside with getting the District Attorney's Office to actually implement the types of reforms and the types of fundamental promises and commitments to efficiency and communication and prioritization that they committed to in march at a press conference with the police chief and with Mr. Stellingworth. And until that happens, Senator, I believe we are going to have a real problem, and I believe that there has to be a commitment there to make that happen. I have not seen it yet.

Chairman LEAHY. Well, that is very similar to what you said in the USA Today article that you were quoted in earlier this month. I am trying to think of the exact date I read it. Can we help with Federal funds in there? And I realize leadership—you do not buy leadership. You create leadership. But leaving that just for the moment, what about an emergency COPS program? I mean, Judge Bell has said that, if there is Federal money, you have to tailor it to the facts today, not the facts of what the organizations were the day before Katrina. Would you agree with that?

Mr. LETTEN. Well, I—

Chairman LEAHY. I mean, you have added—you have hired more prosecutors.

Mr. LETTEN. Yes, sir.

Chairman LEAHY. The FBI, DEA, and ATF have sent more Federal agents to New Orleans.

Mr. LETTEN. The Department, Senator, the Attorney General, has given us—has found in the mechanism of the Department the resources we need to, I think, exploit to our maximum advantage our Federal jurisdiction. I cannot honestly say that we need more assets than we have right now federally. But I will tell you, Senator—

Chairman LEAHY. I am talking about for the locals.

Mr. LETTEN. For the locals, that is another animal entirely, and let me address it this way:

First of all, in terms of a COPS program—and, again, the Department will have to speak to this—I believe the problem with the COPS program would be, I think, potentially that it takes a while to bring those individuals on board, and I think also if you talk to Chief Cannatella, the problem in New Orleans with implementing a COPS program and not another type of funding mechanism would, I think portend issues of trying to take out of an already diminished police force those officers with that COPS funding and put them in these certain assignments. And I think that logistically would be tough to do. So I cannot necessarily be a proponent of that.

I will tell you that I do not believe that funding for, let us say, a DA's office which really, really needs to have assistance is alone going to make the difference. Let me give you an example, Senator. Bureau of Justice Assistance, God bless them, came to the table last year, went through our Southeast Louisiana Criminal Justice Recovery Task Force, BJA, Department of Justice sent 60 million bucks down to Louisiana, $30 million of which hit the Greater New Orleans area—$5 million for the police department, $13 million for the sheriff, $3 million for the DA. As a result of some moving moneys around and continuously, I think, with BJA's assistance, redirecting these moneys to try and get them effectively spent, as Bob Stellingworth said, the DA has applied these moneys to help pay the salaries of seven prosecutors who are making pretty credible money for short periods of time, I believe 12-month or 10-month assignments, to screen cases, remove the backlog of cases, and try difficult cases.

Now, they have helped. They are good folks, and they have done a heck of a job. But, again, if you talk to these individuals, you will also learn, I believe, that despite those funds helping in paying these individuals, the problem—we still have not seen a diminution in the 701 releases. Policies that have been made in that DA's office which have caused the DA's office, up until very recently, to reject—to not charge individuals with bills of information who have been arrested on serious drug felonies until they get full lab reports and to reject the notion of charging these individuals with field test reports that we have done federally, that has been, I think, a very destructive policy, and I think it produced a lot of 701 releases, and I think it still does, although they have committed to now reforming that.

The Attorney General of the United States sat next to me when the DA at a closed-door meeting with agency heads committed to

do that. He committed to do that in a press conference with Bob Stellingworth and the police chief. I do not know if they have done that effectively yet. They have got to do that.

I think there are some arcane policies that involve the DA's office refusing to accept police reports for screening on cases that are pending release unless and until those reports literally contained all the information necessary in black and white to prosecute that person, which meant that the DA's office was rejecting reports and could not screen them and decide what additional elements they needed satisfied. I think that produced a horrible problem.

Now, what I am saying to you is—

Chairman LEAHY. The chief seems to be agreeing with that.

Mr. LETTEN. So we have still got 2,100 Rule 701 releases. What I am saying to the Senators, sir, is while funds, I think, have made a difference and BJA has proven that and can make somewhat of a difference, we are talking about hard policy decisions in that office that have to change. And I am not an elected official. I cannot make that happen. I cannot leverage that to happen. But I humbly believe, as a career prosecutor, that some of those decisions relative to organization, prioritization, communication, and charging policies would advance the ball a lot. And until that happens, none of this other stuff is going to work.

Chairman LEAHY. Have you seen Senator Landrieu's 10-point program?

Mr. LETTEN. Senator Landrieu's 10-point program? Yes, I have.

Chairman LEAHY. I am telling her not to listen, but how do you feel about it?

Mr. LETTEN. I think the 10-point program is certainly—there are some fundamental—having read that program, I believe that there are some very, very important basic tenets in there that I think do advance law enforcement. I really do. And I will tell you, Senator Landrieu and Senator Vitter both—and I say this not gratuitously—understand the culture, understand the problems we have, and I think have identified a lot of the things that have to happen to help fix some of those problems. I am focusing on what I think is the most glaring problem right now.

Chairman LEAHY. Would the rest of you agree with that, that the 10-point program would be a help? And everybody is shaking their head yes.

You know, there are certain basic things in law enforcement that we all understand, whether you are in California of Louisiana or Vermont or wherever else. But we also understand, those who work in law enforcement, that there are always unique situations to the jurisdiction, and one has to be able to understand the jurisdiction to do it.

I was looking at, for example, Mr. Stellingworth, in preparing for this, that you and your group have been active in supporting the New Orleans Police Department after the storm, but you have been raising money privately for police body armor that FEMA did not replace after the storm.

I am interested in that. We have legislation that actually a former Senator, Senator Ben Nighthorse Campbell, and I put together several years ago and that we fund every year to buy body armor for local police. I have been in other parts of the country,

and a police officer will see me and sort of tap his or her chest where the body armor is. But why—and I am a little bit—this is such a basic thing today. When I was in law enforcement, we did not see body armor that much. Today it is basic. Why in heaven's name did you have to raise money for that? Why didn't FEMA just do that?

Mr. STELLINGWORTH. Senator, it would seem simple.

Chairman LEAHY. They have got 18 "gazillion" dollars down there. That is a technical term, but go ahead.

Mr. STELLINGWORTH. Well, initially, there is a problem with body armor that gets wet, by the way.

Chairman LEAHY. I understand.

Mr. STELLINGWORTH. And there are dates, so as a result, a large portion of the body armor got wet in New Orleans. So there was a need that was there. The city government, because of its funding circumstance, could not afford it. FEMA indicated there was a possibility they could reimburse at some point in the future. But you cannot ask officers to worry about whether FEMA is going to buy them vests in 6 months.

Chairman LEAHY. Don't get shot at for the next 8 months until the money comes in. That is what you are saying.

Mr. STELLINGWORTH. That is exactly right. So the critical became whether we should move forward. There were several significant donors in our community that came forward, and we have bought over $400,000 of bulletproof vests for police officers. It is still not enough, I might add. But there still is the potential for FEMA at some point to step forward. But, bureaucratically, you need a vest today, once it has been wet, once it has been determined that it is no longer functional. You cannot wait. And the system does not seem to be able to react to that, both at the State level, both at the local funding level, and both at the Federal level.

Chairman LEAHY. Chief, you wanted to add to that? I can see it. I can almost—

Mr. CANNATELLA. Yes, well, let me tell you, before I was Chief of Operations, I was Chief of Administration and Support, and I dealt directly with FEMA on some of our recovery issues. And bulletproof vests is a sore subject. They only wanted to replace vests that officers had on during the hurricane that got wet in that water, if you will, or officers that lost their vests in the houses that may have left them during the hurricane and they lost them.

Where our problem comes in is the vast majority of our vests got wet, obviously got wet, because we worked in the storm. They have expired. There is an expiration date on those vests, and FEMA will not replace vests that have expired. That is not their job, they said. And, of course, the city has got its meager funding source and its budget to figure out what we are going to spend our money on, and maybe at that particular time the vests were not expired. So the budget has the vests have.

Again, to me in this society, in this country, to have to go ask a man that runs a chain of convenience stores to buy bulletproof vests for police, and even more telling, recently Mr. Larry Lundy, the owner of the Pizza Hut franchises, donated one of his buildings and renovated at his expense to move our 7th District police station into to get them out of the FEMA trailers they were in.

I am going to give you something, Senator, that I think is going to really upset you. We actually have police officers take up a collection every week to pay to have the port-a-lets cleaned out that they are using in their police stations because there are no bathrooms. Now, I did not want to go there.

Chairman LEAHY. OK, you make your point.

Mr. CANNATELLA. But the point is, again, that is where we are.

Chairman LEAHY. Frankly, if this was all going on 2 months after the storm—

Mr. CANNATELLA. Oh, no. It is still going on.

Chairman LEAHY.—it would be understandable.

Mr. CANNATELLA. Yes, sir.

Chairman LEAHY. There is no excuse for this to be the situation today. Absolutely no excuse whatsoever.

Senator Landrieu?

Senator LANDRIEU. Thank you, and I appreciate your line of questioning, Mr. Chairman. I would like just to followup with a couple of things. I think it would be a disservice to leave this hearing with the idea that if we could just fix the District Attorney's Office in New Orleans, everything would be fine. And I know, Mr. Letten, that is not what you wanted to leave the record to reflect.

Having said that, I understand that there are serious reforms that need to be made in that office, and I am not as familiar with the details as you are, and I appreciate you being at the table to try to work that out.

But my question is this: You received, Jim, six additional U.S. Attorneys, you received nine additional FBI agents and additional Drug Enforcement agents that you have testified yourself have made a significant difference in your ability to carry out your duties and responsibilities, augmented your work, which, as you know, I have testified publicly many times has been excellent.

Do you not agree that local police officers and local organizations and local courts also need additional resources to help them get their job done?

Mr. LETTEN. Senator, I am certainly—and if I focus too much like a laser on one part of the criminal justice system, I certainly did not mean to suggest that fixing that, as you said aptly, would fix the entire thing. I think I used the movement of the watch metaphor, because they all have to be fixed.

I can't dispute, Senator, at all the need for additional resources for the local—whether it is the DA's office for salaries or people or certainly for a police department that has been hemorrhaging police officers, a wonderful police department that has been hemorrhaging officers because of quality of life—

Senator LANDRIEU. Or for juvenile justice?

Mr. LETTEN. Or for juvenile justice, which I believe is a huge looming problem which needs assets

Senator LANDRIEU. Or for the community groups?

Mr. LETTEN. Or for the community groups. I guess my message was—because I think I did not want to—I wanted my message to be one that I felt very strongly about and also one that wouldn't necessarily simply overlap or underscore other valid points. And that is, while those resources are necessary—and I do not dispute and will never dispute what these fine men have said these people

need, because they are all absolutely correct in terms of what they need. I will back it 100 percent. The issue is, though, that I think what I do not want to be lost on the Committee—and the public, for that matter—is that especially with some of the entities out there, it is just as important to make sure that the assets they have are used effectively and efficiently as how much assets they get. And so that is very critical.

Senator LANDRIEU. OK. Let me ask you this, then: Do you think that Judge Bell can use his assets effectively?

Mr. LETTEN. Oh, I do. I do. I look to him very strong—

Senator LANDRIEU. Do you think Tony Cannatella can use his assets effectively?

Mr. LETTEN. I have faith in these men and the organizations they represent.

Senator LANDRIEU. Do you think Robert Stellingworth can use the assets effectively?

Mr. LETTEN. I do.

Senator LANDRIEU. OK. And while no one person has authority over the district attorney, who is an elected official, most certainly the community can bring pressure to bear on the reforms necessary. And part of our objective here is to get resources to the community groups to better enable them to provide good, solid information to the public so that the public in this democracy can make good decisions about the kind of justice system they want to have.

My second question to you, Mr. Cannatella, it is 18 months after the greatest flood—one of the greatest floods in the history of the country, and I think most certainly since 1927. Has the Justice Department called you or the leadership of the police force in any kind of special meeting to ask you how they could help you to help your 800 officers that lost their homes, their children who are without schools, where they were going to get their health care from after they got off their 12-hour beat in the event that they broke a leg or injured their head, what kind of hospital? Have they ever had a meeting with you about how to help you stand up—

Mr. CANNATELLA. Not on personal issues like that, no.

Senator LANDRIEU. None.

Mr. CANNATELLA. Crime issues only, yes.

Senator LANDRIEU. OK. I want to say for the record, I think it is extremely disturbing that the Justice Department has not had one meeting with the police association or the police officers on the subject of the 800 out of 1,400 officers that you have testified today have lost their homes, many of their spouses lost their jobs, a health care system that has collapsed, and yet continue to call press conferences with fancy backdrops, as the Chairman said, about how much they support first responders.

Am I mistaken that our police officers—I thought they were first responders. I thought our firefighters were first responders. I don't know how more basic you can get than providing a bulletproof vest, a salary, a hospital bed in the event that you get shot, a school for the children, or a roof over your head. If I am missing something, I wish somebody would tell me.

So I want this record to reflect that while I understand that reform is essential—and I have spent my life, 30 years in officer,

fighting for it—I cannot let this hearing close with the idea that if we would just fix a few things at home, that this whole problem will go away.

And I will finally say, as Senator Leahy opened this, if we can spend billions of dollars in Iraq training their police officers, most certainly we can provide a roof over the ones that we have in New Orleans.

Chairman LEAHY. Gentlemen, again, I thank you for coming up here. We have no control over the weather. Actually, we have very little control over anything, but certainly over the weather. So I appreciate you coming here.

I will keep the record open in case others have things to add. And when you look back at the transcript, if you find something you wish you had added, something further, or a number was off or something, obviously we give you a chance to add to that. Both Senator Landrieu and I also serve on the Appropriations Committee, and I suspect this hearing is going to be involved there, too.

Thank you very much.

[Whereupon, at 12:46 p.m., the Committee was adjourned.]

[Questions and answers and submissions for the record follow.]

QUESTIONS AND ANSWERS

Orleans Parish Juvenile Court
421 Loyola Avenue
New Orleans, Louisiana 70112

TELEPHONE (504) 658-9500
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CHIEF JUDGE
DAVID L. BELL

JUDGES
ERNESTINE S. GRAY
LAWRENCE L. LAGARDE, JR.
C. HEARN TAYLOR
MARK DOHERTY
LOUIS F. DOUGLAS

July 12, 2007

To the Honorable Senator Patrick Leahy:

Thank you for inviting me to participate in the United States Senate Judiciary Committee hearing on "Rising Violent Crime in the Aftermath of Hurricane Katrina on June 20, 2007.

I write to respond to the questions raised by the Honorable Senator Kennedy on matters related to the delivery of indigent defense services for both juveniles and adults.

1. What steps are being taken in Louisiana to ensure that indigent defendants have access to defense attorneys?

A. Juvenile Indigent Defense

In 1995 the American Bar Association Juvenile Justice Center Conducted a study titled. *A Call for Justice: an Assessment of Access to Counsel and Quality of Representation in Juvenile Delinquency Proceedings*. New Orleans was a site for the assessment which found that the state of access to counsel for indigent juvenile defendants was in crisis. Based on the report, in 1997, the New York Times called OPJC "*the most troubled juvenile court system in the country*" [1] in large part because of the quality of representation provided to young people. Again in 2001 and 2002 the National Juvenile Defender Center assessed access to counsel in Louisiana[2], wherein New Orleans participated. Regrettably, the results were the same.

[1] Fox Butterfield, *Few Options of Safeguards In a City's Juvenile Courts*. New York Times, July 22, 1997.

[2] See The Children Left Behind found at http://www.njdc.info/pdf/LAreport.pdf and Update found at http://www.njdc.info/pdf/louisianaupdate.pdf.

Hurricane Katrina shed light on the problems associated with juvenile indigent defense services and provided New Orleans with the opportunity to improve outcomes for children by providing adequate counsel to protect their civil and constitutional rights as well as ensure treatment and rehabilitation.

This year Governor Kathleen Babineaux Blanco, a committed leader on issues related to juvenile justice, allocated funds to improve representation for children across the state. Because of her leadership the state allocated funds to the Orleans Indigent Defender Board (OIDB) for juvenile representation. The OIDB took the responsibility seriously and in February 2007 contracted juvenile indigent defense delivery services to Juvenile Regional Services (JRS), a non-profit best practice law office. It is an understatement to say that because of JRS's representation in New Orleans, outcomes for children appearing before the court have dramatically improved. Youth and families participate in the process and a sense of fairness and justice has been restored to our system. National research on adolescent development indicates that youth who believe the juvenile court process to be fair are more likely to be successful because they are more likely to engage in court ordered services.

Additionally, New Orleans City Council provided funding to the Orleans Parish Juvenile Court (OPJC) to create a Juvenile Defender Conflict Panel in cases where there is a conflict in representation with JRS. We as a court took our obligation seriously and adopted practice standards and mandated specific juvenile defender training based on national best practices. We are working to ensure that delivery of all juvenile indigent defense services are the best they can be.

B. Adult Indigent Defense

The Orleans Public Defenders Office was decimated by the storm. Acknowledging the extremity of the situation, both the Department of Justice and the National Legal Aid & Defender Organization (at the request of the Louisiana State Bar Association) sent teams to New Orleans to study the crisis, and both issued reports assessing the functioning of the office prior to and immediately subsequent to the storm. Both reports concluded that the office was functioning at far below a constitutional level subsequent to and prior to the storm, and both reports made detailed recommendations for improvement.

Using these reports as a blueprint, the office has worked to rebuild and reform. A new indigent defender board championing reform was put in place. A single room with four working computers has been replaced by office space proportional to the number of staff. Each lawyer now has his or her own desk, a computer, a phone, and space to meet with clients and other staff. For the first time, OPD lawyers represent defendants during the first few months after arrest, during the so-called "screening period." (Previously, defendants were simply not represented during the first two to three months subsequent to arrest.) Many cases have been quickly disposed of due to this early representation. Also for the first time, the number of cases and type of cases handled by the office is being closely tracked. A set of office wide policies have been promulgated. The office has adopted standards of practice. Training, ongoing supervision and regular staff

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meetings –none of which existed prior to the storm -- have become routine. Multiple volunteer programs have been instituted; the office has benefited from the work of at least 500 volunteers since the storm.

Two significant problems remain. First, the office is still significantly understaffed. There are simply insufficient numbers of attorneys, investigators and support staff to represent all the indigent clients in Orleans Parish.

Second, even the OPD's current inadequate staffing levels are sustained only via a federal grant (the Hurricane Criminal Justice Infrastructure Recovery Grant), which is set to expire in June of 2008. The two reports referenced above concluded that the office needed at least seven million dollars per year to function at a constitutional level. The office's 2007 budget was 3.6 million dollars, 1.5 million of which was from the non-renewable federal Hurricane grant.

The state legislature has just passed an indigent defense reform bill which creates statewide structures of supervision, regulation and accountability in public defense in Louisiana. Sufficient state funding for indigent defense, however, has not yet been appropriated. There is an expectation that such funding will come during the next two to three years.

In sum, great strides have been made in Orleans indigent defense. The structure and personnel are in place to further such progress. Without additional funding in the medium term, however, much of this progress will necessarily be lost.

2. Have federal funds been used to provide additional federal defenders for US Attorneys offices in Louisiana, as has been done with prosecutors? Please identify what additional resources the federal government could provide to assist with this problem.

A. Juvenile Indigent Defense

No federal funds were used to fund either Juvenile Regional Service (JRS) or the Juvenile Defender Conflict Panel (Conflict Panel). JRS is funded through the state indigent defender board with state funds. Additionally, JRS receives private foundation funding for start-up of the organization. The Conflict Panel is funded through the New Orleans City Council with money from the City of New Orleans. The initial funding for juvenile indigent defense is a laudable first step; however, it is a mere first step in working towards remedying years of systemic failure. Without additional federal funding we may not be able to sustain defense services.

There is precedence for the federal government to provide assistance with juvenile indigent defense. Over the last ten years, the federal government, through the Office of Juvenile Justice and Delinquency Prevention funded technical assistance and training to

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the National Juvenile Defender Center[3] in Washington, DC to enhance the capacity of juvenile indigent defense across the country. Without this funding the national best practices and training we implemented on juvenile indigent defense services would not exist.

Traditionally, private foundations do not fund what is deemed to be the obligation of the state or government. Because access to counsel is constitutionally mandated, many foundations shy away from funding juvenile indigent defense. This is problematic for our present system because much of the funding for juvenile indigent defense is start up funding that is not intended to continue.

The City of New Orleans will be faced with major budgetary issues this year as all of the federal money allocated through the Bureau of Justice Assistance through Criminal Justice Infrastructure Recovery expires in May 2008. As a result, the New Orleans City Council will be faced with tough decisions this budget year. We do not want the representation of poor children to fall by the wayside.

We find ourselves at a cross roads. I believe federal money allocated to support juvenile indigent defense delivery services is needed. If funding is not allocated on the federal level to continue and enhance juvenile indigent defense services we will return to our pre-Katrina system, which was broken. We would risk losing credibility in the system as well as improving outcomes in the lives of juveniles who appear before our court. We do not want to return to state of access to counsel documented over the years in the assessments conducted.

B. Adult Indigent Defense

The vast majority of arrests in New Orleans are not federal arrests but state and municipal arrests, and federal public defenders are thankfully much better funded than their local counterparts. To assist in the crisis in indigent defense in New Orleans, the federal government should look to providing additional funding to the Orleans Public Defenders. It has been the federal government's hurricane grant that has provided for the impressive reforms that have taken place up to this point in indigent defense in Orleans: an additional bridge grant would allow these reforms to take root and for the OPD to become self-sustaining. The OPD is in the process, for instance, of securing technical assistance funds from a local foundation for strategic planning and development assistance. This effort will take at least a year to bear fruit. In the meantime, the office needs funds to survive.

The offices' needs are significant and diverse and more information can be easily provided.

If you have any questions about my comments please do not hesitate to contact me at (504) 701-6238.

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[3] www.njdc.info

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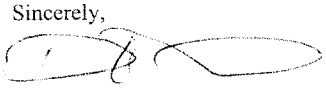
Sincerely,



David L. Bell
Chief Judge

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 23, 2007

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Please find enclosed responses to questions arising from the appearance of Jim Letten, US Attorney for the Easter District of Louisiana, before the Senate Committee on the Judiciary on June 20, 2007, at the hearing entitled "Rising Violent Crime in the Aftermath of Hurricane Katrina." We hope that this information is of assistance to the Committee. Please do not hesitate to call upon us if we may be of additional assistance.

The Office of Management and Budget advises us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

Brian A. Benczkowski
Principal Deputy Assistant Attorney General

c.c. The Honorable Edward M. Kennedy

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Responses to follow up questions for the Honorable Jim Letten, US Attorney for the Eastern District of Louisiana, regarding a June 20, 2007 hearing entitled "Rising Crime Rates in the Aftermath of Hurricane Katrina."

1. What steps are being taken in Louisiana to insure that indigent defendants have access to defense attorneys?

In attempting to adequately and accurately respond to the questions posed, I would respectfully suggest that perhaps the best source for information regarding state/local public defenders (i.e., the Orleans Parish Public Defenders) would be the Honorable Katherine "Kitty" Kimball,[1] Associate Justice, Louisiana Supreme Court. As the de facto Chair of our now well established and successful Southeast Louisiana Criminal Justice Recovery Task Force, Justice Kimball not only presides over the Judicial Recovery working group (which includes public defenders' offices), but herself presides over plenary sessions of the groups in which funding issues, debates, and strategies are discussed between and among the Orleans Parish Criminal District Court judges, clerks, Assistant District Attorneys, police, and, of course public defenders.

That said, I am very proud to point out that as a result of total funding last year (2006) from the Department of Justice Bureau of Justice Assistance, approximately 60 million dollars in grants was provided to numerous criminal justice agencies in Louisiana - roughly 30 million dollars of which went to various agencies and courts in the Greater New Orleans area.

Specifically, the Orleans Parish Indigent Defender's Office, during last year's BJA grant cycle, received (through the grantee, Louisiana Commission on Law Enforcement) a total of $2,825,544. My most recent research indicates that as of July 18, 2007, $911,620 (constituting 32%) has been expended to date as approved by the LCLE. In fact, according to Mr. Carle Jackson of the Louisiana Commission on Law Enforcement, which, as grantee, administers these funds for the State, the New Orleans Indigent Defender's Board (IDB) did not begin spending these monies until January of 2007 due to other sources of income and a desire not to cross funding streams.

Thus, the remaining unexpended funds are still available to the Public Defender's Office. I am not, however, certain as to what additional non-DOJ funding sources have been provided, or are still available.

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[1]Justice Kimball has indicated that she will happy to respond to any Senate questions regarding the Orleans Parish Public Defenders Office. She is available at ckimball@lasc.org or at (504) 310-2340.

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2. Have any federal funds been used to provide additional federal defenders for U.S. Attorneys Offices in Louisiana, as has been done with prosecutors? Please identify what additional resources the federal government could provide to assist with this problem.

Having recently spoken with the federal public defender for the Eastern District of Louisiana, it is my understanding that to date, no additional federal funds, resources, or manpower, have been provided to augment the Federal Public Defender's Office for the Eastern District of Louisiana. While I cannot say with any certainty whether additional resources would be welcomed by that office, I do know that the attorneys assigned to that office to defend indigent federal criminal defendants have provided them with quite competent representation, and that no representation issues, problems, or crises have arisen in federal cases. To the contrary, although our United States Attorneys Office has made an effort to take on more federal criminal prosecutions against drug and violent crime offenders, the federal public defender advises that no precipitous escalation in the number of federal defendants represented by that office sufficient to cause representation problems has occurred.

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SUBMISSIONS FOR THE RECORD

Written Statement of Chief Judge David L. Bell, Orleans Parish Juvenile Court presented to the Senate Judiciary Committee.

June 20, 2007

To the Honorable Senator Patrick Leahy and Senator Arlen Specter:

I am here today on behalf of the Orleans Parish Juvenile Court (OPJC) to discuss juvenile delinquency in New Orleans, where we as a system and a community are in terms of resources, and where we can be more effective in increasing public safety and responding to the needs of young people to ensure their success.

We are confronted with new issues that dramatically impact our ability to respond appropriately to ensure public safety and to address the needs of our young people. We face challenges in educational opportunity, unprecedented mental health needs, the inability to teach young people employable skills and an overall dearth of community-based resources.

OPJC presently has six hundred eighty-nine (689) open delinquency cases. From January 1, 2007 through today, the New Orleans Police Department arrested approximately eight-hundred (800) juveniles and the New Orleans District Attorneys Office Juvenile Division filed two hundred and eighty four (284) new delinquency petitions. Based on the new petitions we are seeing significant drug use, which we believe is a result of unaddressed trauma and mental health needs, a direct result of Katrina. For example, 28% of the cases that come before the court are for possession of narcotics.[1] Most of the youth appearing before the court, eighty-two percent (82%), are fifteen to seventeen years old (15-17) who have unaddressed educational needs and lack the skills to obtain gainful employment.[2]

We are seeing an increase in disproportionate minority contact even though the population of New Orleans has changed since Katrina[3]; ninety-three percent (93%) of delinquency petitions filed are young people of color.[4]

I want to assure you that our court and system stakeholders are working to address the needs of the juveniles who come before us. We have a national best practice Youth Advocate Program that literally wraps services around the juvenile and her family. This

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[1] 25% burglary/theft/trespass; 15% abuse/assault/battery; 11% robbery; and 9% weapons.

[2] 0.5% are 8 yrs old; 2% are 11 yrs old; 3.9% are 13 yrs old; 12% are 14 yrs old; 18% are 15 yrs old; 26% are 16 yrs old; 38% are 17 yrs old, 0.5% are 18 yrs old.

[3] 47% African American; 43% White

[4] 79% African American male; 14 % African American female; 2.8% White male .08% White female.

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program has shown a ninety-one percent (91%) success rate with youth who have very high needs and who require intensive supervision pre-adjudication to protect public safety. We have two (2) behavioral health liaisons that connect juveniles and families to limited mental health services in the community. One liaison works with detained youth to provide counseling and assist with re-entry. We have an after-school Report Resource Program that has a fifty-seven 57% success rate helping youth obtain academic success. We have a drug court program that provides eighteen-months (18) of intensive drug counseling. But our resources are stretched beyond capacity and we are at risk of losing critical interventions.

I also want to assure you that we received considerable assistance from the Federal Government, for which we are grateful; however the assistance was structured in such a way as to limit our responsiveness to the new issues with which we are confronted. Specifically, we were unable to apply for funding for anything other than what we had pre-Katrina. Our system was broken prior to Katrina and the restriction to ask for what we had was our greatest impediment to success. In 1997, the New York Times called OPJC "*the most troubled juvenile court system in the country.*"[5] We were unable to create new programs based on the needs of the young people, which national research demonstrates is best practice. We were unable to increase the salaries of critical positions leaving us in an untenable hiring position - we sought qualified talented and creative staff that enjoys working with children at a salary well below market rate.

We have done the best we can with what we have. A recent article in The Gambit highlighted OPJC and its stakeholders work noting that OPJC has gone from "*what was once described as one of the worst [juvenile courts] in the country*" to working towards a model court by instituting major reforms in the eighteen (18) months since Hurricane Katrina through judicial leadership.[6] We made significant strides in reform; however we find ourselves at a crossroads.

So where are we now? Our current caseload of six hundred eighty-nine (689) far exceeds our capacity. Presently, our Youth Advocate Program, one of our most successful programs, will be reduced in the next week from six (6) mentor advocates to three (3) because there is not enough funding to continue. It is currently on a freeze to reduce the number of youth in the program. We have only two (2) behavioral health liaisons that are overwhelmed by a caseload of six hundred eighty-nine (689). The Report Resource after school program is run by one (1) full-time person and two (2) part-time teachers. We have little to no mental health resources, which for us, has resulted in tragedy. About one month ago, a young person who had mental health needs that we could not address, shot and killed someone.[7] We do not want another tragedy to befall on our system. We need help.

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[5] Fox Butterfield, *Few Options of Safeguards In a City's Juvenile Courts*. New York Times, July 22, 1997.

[6] Found at http://www.bestofneworleans.com/dispatch/current/cover_story.php.

[7] Found at http://pqasb.pqarchiver.com/timespicayune/access/1274272701.html?dids=1274272701:1274272701&FM

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In order to reduce crime in New Orleans, the Orleans Parish Juvenile court needs the following:

- Reinstate the Weapons and Violent Crime Elimination Program (WAVE Court) 9% of the juveniles petitioned in court are for weapons;

- Create a rapid response team of mental health professionals to address mental health needs of youth in crisis;

- Provide additional funding for Youth Advocates;

- Provide additional funding for Behavioral Health Liaisons;

- Provide additional funding for Report Resource teachers;

- Create a felony Drug Court Program

- Provide funding for Educational Liaisons

- Create a diversion program for first-time offenders

- Create non-traditional education including industry specific training

I thank you for the time and opportunity to present this information to you. I hope it sheds light on our where we are in addressing juvenile delinquency and how we can partner with you to confront the barriers to success.

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Presented before the:

Senate Committee on the Judiciary

on

"Rising Violent Crime in the Aftermath of Hurricane Katrina"

This report attempts to identify the key issues affecting the New Orleans Police Department in a Post-Katrina metropolitan New Orleans and reflects the best information and assessment at the present time.

presented by:

Anthony W. Cannatella
Deputy Superintendent
Operations Bureau
New Orleans Police Department

June 20, 2007

The criminal environment of the City of New Orleans is the product of many long-term, socio-economic factors, but it is driven to extremes by the massive, systemic drug culture and the violence that is engendered by that lifestyle. Law enforcement professionals understand the huge impact that poverty and the drug culture have on overall crime and it needs not be explained in depth for purposes of this summary report. For those not "in the business", need only look to the significant spikes in crime suffered by the communities that "hosted" large numbers of displaced residents from New Orleans, and the criminal element that was with them, in the aftermath of Hurricane Katrina. Now, imagine the crime problem these same individuals create when they are all in one city and you begin to understand the current situation in New Orleans.

NOPD Personnel issues –

NOPD's personnel losses since the storm have been extreme. Locally, we have no competitive advantage in recruiting qualified applicants. We suffered a net loss of **217** officers in 2005 and **216** in 2006. As of June 18, 2007, we have lost **72** officers. One Police Academy class has graduated in 2007 with **44** new field trainees. A second group is currently in the Academy with **45** officers. It is estimated that at the current annual rate of loss, by the time the second class graduates we will still have a net loss for the year to date. Our 2005 high was 1741 officers. We are down **505** officers until the two current recruit classes complete field training and graduate. Our current effective personnel strength (total commissioned members minus those on long term illness/injury and all recruits) is 1200. This is a decrease of **541** officers. This is a net loss of over 30% of our total 2005 personnel high-point.

Issues with retention –

For reasons ranging from working conditions (loss of buildings and infrastructure of the Department), living conditions (post-Katrina housing is still an issue for many), schools, cost of living locally (significant impact from increased insurance rates and utilities), we have had a significant increase in personnel losses due to resignations and retirements. In the past, the rate has averaged about 6-7% per year. It is now over **15%** and shows no sign of declining. New Orleans has lost over half of its resident population and a significant portion of its businesses. Neighboring parishes that were not devastated by flood waters have grown significantly, in both population and businesses. As a result, tax revenues in New Orleans have plunged and city services suffer, including the police department. Tax revenues in the unaffected cities and parishes (St. Tammany, Baton Rouge, and Jefferson) have increased significantly and allowed those areas to increase both services and salaries.
Many of our most experienced and technically trained personnel have left the NOPD for other, nearby law enforcement agencies for higher pay, better facilities and a better quality of life. At present, we only have 1 qualified firearms examiner and 1 fingerprint examiner left. Over 85 firearms examinations alone are backlogged, as well as, over 1600 narcotics tests. Only a **significant pay raise** (more than just an offset to the local cost of living increases) will induce officers to remain and "re-evaluate" their retirement or career options, as well as allowing the department to recruit qualified applicants and officers from outside our immediate region. Based on national and regional data, an across-the-board base salary

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increase of 45 to 50% with some minimal, annual cost-of-living adjustment would be required.

Issues with recruiting –

For many of the same reasons affecting retention, recruitment has been a problem locally. Even with extensive advertising campaigns by the New Orleans Police and Justice Foundation (NOPJF), recruiting bonuses and housing assistance, the NOPD is still "fishing in the same pond" as neighboring jurisdictions that have similar or higher salaries. They too have been forced to raise pay and benefits to retain and hire additional officers. They also have actual or perceived better living and working conditions, a main reason the NOPD has lost a significant number of experienced officers and specialists to nearby departments this year. **We do not have the pay and incentive package necessary to recruit from outside our immediate region.** Recruiting already trained and qualified officers from other departments outside our region is the only way the NOPD can strengthen its numbers in the short term and gain experienced, qualified officers able to work the streets immediately in any effective manner. We have outlined an ad campaign to recruit former military. As soon as personnel issues can be resolved with the POST Council on what military training can be counted toward POST training requirements thereby allowing former military to be treated as "lateral" entry, we will be able to actively recruit from this pool and possibly fill vacancies faster than a traditional "new" hire. Once again though, competitive pay will still be the determining factor for where these quality applicants will apply and work.

Learning curve –

Absent a significant change in salaries and benefits, the NOPD will continue to lose between 100-150 officers per year for the foreseeable future. Without immediate help from trained, lateral hires, we must rely on our own training of new recruits to replenish our ranks. The learning curve for new trainees is estimated at 7-8 months from the beginning of the Academy to their first permanent assignment after their Field Training Officer period. An additional 2 years of street experience is required after the Academy before they can function outside of a "calls-for-service" only capacity. With the staggering loss of senior, experienced officers and the crime problems facing the city, we cannot wait for new, entry level officers to gain experience. We must aggressively recruit lateral, experienced officers from other departments outside of our immediate region to fill our ranks and "hit the deck running".

Potential impact –

We have over 200 officers of all ranks eligible for immediate retirement with 25 or more years of service. Any additional significant negative impact on their working environment could cause a massive loss of these experienced members.

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Personnel Assistance Summary -

The release of assistance currently being provided by the Louisiana National Guard (300 members) and Louisiana State Police (60 Troopers) will take place in November of 2007, after the active hurricane season has ended. The LANG has worked side-by-side with the NOPD in the areas of the City most heavily damaged and least populated, to provide the extra personnel required to protect property where there are no "eyes and ears" of citizens to report activity. The LSP has provided high visibility coverage in the French Quarter and Downtown area to supplement the NOPD where the density of visitors and citizens is greatest. The Louisiana State Police and the Louisiana National Guard have their own individual missions to meet and have graciously given of their limited resources for far longer than anyone expected.

The current class of police recruits will be completed with all training by the end of June 2007 and available for permanent field assignments. Another class should be available for permanent field assignments in December 2007. These classes, coupled with an active campaign to attract lateral entry personnel, our most reasonable estimate we for this year is 100-120 new officers by year's end. This may not offset the losses we expect of 195-210 (based on trends of last 2 years) due to retirements and resignations.

22 months after the storm, the NOPD is still operating in FEMA trailers. We have no HQ building. Three of eight District stations are still not repaired. We have no permanent Crime Lab facility (we moved to rented space at the University of New Orleans recently), no Central Evidence and Property storage facility, no Special Operations Division / Traffic Division complex, no Juvenile Division holding facility. None of the facilities lost during the storm have been repaired/replaced. We are in another hurricane season, which by all meteorological predictions will be active. We have an almost 50% likelihood of a storm affecting the city of New Orleans.

The lack of critical police facilities and capabilities is not only having a deleterious effect on the presentation and prosecution of cases, it has eroded the morale of the officers who see their best efforts to combat crime stalled due to our inability to adequately test and evaluate the evidence and watch as the same offenders are repeatedly arrested and released.

The NOPD lost 300 patrol vehicles due to Hurricane Katrina. Of that number, 118 (2006 Ford Crown Victoria's) were replaced by FEMA and we were given 130 (2005 Chevy Caprices) from the LSP. We have not purchased fleet replacement vehicles since prior to the storm. Our practice had been to replace 100-150 per year. Excluding the vehicles replaced due to Katrina, our average fleet vehicle age is 7 years. A recent grant allowed us to install in-car video but we were unable to find 10 suitable vehicles in the Districts. During our response to the two tornadoes that struck in February of this year, our mobile command post was the back of a U-Haul trailer with a picnic table.

The NOPD is at a crossroads. We will never abandon our mission to "Serve and Protect" the citizens of New Orleans, but we are faced with the daily reality of an imminent collapse of our criminal justice institutions.

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STATEMENT OF SENATOR JOHN CORNYN
Before the Senate Judiciary Committee hearing entitled
Rising Violent Crime in the Aftermath of Hurricane Katrina
June 20, 2007

I am pleased that the Judiciary Committee is examining the problem of rising crime in the aftermath of Hurricane Katrina. This is an important issue because to rebuild southern Louisiana properly, we have to ensure that the area is safe and livable.

My home state of Texas has felt the affects of this problem. When Katrina devastated New Orleans and other areas along the Gulf Coast, Texas communities scrambled to provide refuge for the displaced. Houston alone saw a sudden influx of at least 175,000 Katrina evacuees, more than any other city in the country. All were welcomed with open arms, and the city worked hard to provide them with housing, medical care and education. Many other Texas cities made similar efforts, and such hospitality has warranted widespread and well-deserved recognition. Well over 100,000 evacuees remain in Houston today.

Unfortunately, the reality is that since accommodating such a large number of new residents, Houston has also experienced a surge in certain categories of criminal activity. Most disturbingly, while Dallas, Fort Worth and Austin all saw their homicide rates decline, homicides in Houston jumped 13.5% in 2006. According to Houston Police Department statistics, Katrina evacuees were involved in one of every five homicides recorded in the city last year.

Some of this violence is attributed to members of New Orleans-based gangs who have continued their turf wars in their new neighborhoods in Houston. Prosecutors last year announced charges against a group of eleven Katrina evacuees who were believed to be linked to at least four homicides since settling in the Houston area, as well as numerous robberies and kidnappings. Houston gang investigators are asking other evacuees for help in understanding the dynamics of these New Orleans gangs in order to address the problem.

Such increased criminal activity has begun to take its toll on Houston's law-abiding residents. A survey conducted by a Rice University sociologist has revealed that crime is the top concern of Houstonians. For the previous seven years, traffic was the biggest worry. This is a disturbing development.

Texas, and especially Houston, went to extraordinary lengths to accommodate victims of Katrina. It was the right thing to do. While most evacuees are surely law-abiding and appreciative of such compassion, the rising incidence of violent crime in Houston raises serious questions. Chairman Leahy generously accommodated my request to invite a witness to this hearing to discuss Houston. Unfortunately, that witness fell ill on the eve of the hearing and was not able to make the trip to Washington, D.C.

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I am pleased that this committee reported out the Gang Bill last week and I am hopeful that the Majority Leader will schedule it for floor time in the near future. The provisions in that bill will go a long way towards aiding law enforcement in their attempts to deter gang crime. I also believe it would be appropriate for this Committee to continue to hold hearings on this issue and I hope that we will do so soon.

Thank you Mr. Chairman.

Statement of U.S. Senator Russell D. Feingold
Senate Committee on the Judiciary
Hearing on "Rising Violent Crime in the Aftermath of Hurricane Katrina"
Wednesday, June 20, 2007

Mr. Chairman, thank you for chairing this hearing and for drawing attention to the criminal justice crisis in New Orleans – yet another of the tragic effects of Hurricane Katrina. At a time when the nation is struggling with an increase in violent crime, the stories from New Orleans are heartrending.

I know, coming from Wisconsin—one of the states hardest hit by the rising crime rate—the toll that this increase in crime takes on communities. But as the witnesses at this hearing are telling us, New Orleans faces unique and unimaginable challenges. Their criminal justice infrastructure is gone. The local police force is working out of FEMA trailers and U-Haul trucks. The sheriff has resorted to housing offenders in tents. There is virtually no funding for the indigent defense system. As Anthony Cannatella of the New Orleans Police Department explained in his testimony, New Orleans is "faced with the daily reality of an imminent collapse of our criminal justice institutions."

New Orleans is facing a rising violent crime rate not only with grossly insufficient resources for law enforcement, but also with grossly insufficient resources to build or maintain the elements of a basic community infrastructure such as housing, schools, and businesses to provide jobs. Restoring these services must be a part of any crime control strategy. As New Orleans resident Eric E. Malveau, who has worked as both a prosecutor and a public defender, said in a February 2007 *New York Times* article on crime in New Orleans, "You can put a cop on every corner, and you will not stop the murders. . . [Y]ou have a large population that is uneducated and has no job and no hope. . . Until you fix that, it's hard to see the problems getting much better."

The federal government has an obligation to help. But the response must address these underlying problems and this absence of hope, as well the need to rebuild the criminal justice infrastructure. Just as in any community, prevention and intervention programming should be an integral part of the crime fighting strategy.

Mr. Chairman, the continuing problems faced by New Orleans after Hurricane Katrina deserve our attention, and I appreciate your holding this hearing. Thank you.

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Statement
United States Senate Committee on the Judiciary
RESCHEDULED: Rising Violent Crime in the Aftermath of Hurricane Katrina
June 20, 2007

The Honorable Mary Landrieu
United States Senator , Louisiana

Testimony of Senator Mary L. Landrieu
Before the Senate Judiciary Committee Hearing
On Rising Violent Crime in the Aftermath of Hurricane Katrina
June 20, 2007

Mr. Chairman and members of the Committee, thank you for inviting Senator Vitter and me to testify about the disturbing increase in criminal activity that has overwhelmed the city of New Orleans since Hurricane Katrina. I would also like to welcome and thank our constituents, U.S. Attorney Jim Letten, Judge David Bell, Deputy Police Commissioner Anthony Cannatella, and Bob Stellingworth for coming here today. Each of them works on the front lines of this crisis and I anticipate that their insights into the problem will be invaluable to this Committee's efforts to assist New Orleans on the federal level.

This past January, the violent crime situation in New Orleans seemed to transform itself from being a daily news story typical of a large city to a crisis that shook the very foundation of our community. On the morning of January 4th, a home intruder shot and killed Helen Hill, a local filmmaker, and severely wounded her husband, Paul Gailiunas, a physician who had established a medical clinic to treat the city's poor and uninsured. When the police arrived at their home at about 5:30 AM, they found Paul Gailiunas kneeling by the front door, bleeding profusely from his three gunshot wounds, and clutching his two-year old son in his arms. Helen Hill's body lay nearby, having been brutally shot in the neck. Her death was the sixth murder that occurred within a span of twenty-four hours. The next day, our local newspaper ran with the headline "Killings Bring the City to its Bloodied Knees." It was at this point, that the entire city of New Orleans knew that the level of violence had spun completely out of control.

In 2006, over 160 murders occurred across the City of New Orleans, giving it the ominous distinction of being the city with the most murders per capita in the United States. Depending upon the particular population estimate you read, this homicide rate totals between 63 and 73 murders per 100,000 people. In fact, the 2006 homicide rate in New Orleans is 31 percent higher than the city with the next highest murder rate—Gary, Indiana. Tragically, one-third of the murder victims have been teenagers. The surge in murders has occurred across the City and the neighborhoods hit the hardest have been Mid-City and downtown. Many of these murders have gone unsolved and as of a couple of weeks ago, only one has resulted in a successful prosecution.

This year, the number of murders only seems to be increasing. As of June 18th, 91 murders have occurred across the city and the number could likely increase as more people return home to New Orleans.

Over the past several months, in response to the crime, the Congress appropriated $50 million in the Emergency Supplemental Appropriations bill aimed at combating crime on the Gulf Coast. In assisting the Gulf, the Congress created a formula based upon each community's needs. Among other objectives, these dollars will ensure the full implementation of the New Orleans Anti-Crime Plan, which is supported by Common Good, the Metropolitan Crime Commission, Citizens for One Greater

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New Orleans, the City Council, as well as the local law enforcement community. Most significantly, the Emergency Supplemental waives the Stafford Act's requirement that localities match 10 percent of the cost of disaster recovery projects before the federal government pays the remaining 90 percent. This match has kept law enforcement and other public infrastructure tied in a morass of red tape for nearly two years. Hopefully, we will now be able to begin the long process of rebuilding three of our police stations, several of our jails and other critically important law enforcement infrastructure at a significantly faster pace.

As Chairman Leahy mentioned, earlier this year, in consultation with our local law enforcement officials and community leaders, I offered a ten-point plan on behalf of the community to stem the increase in crime throughout New Orleans. I wanted to take some time to review some portions of this plan and to offer some suggestions for our work going forward.

First, it is critically important that we provide the necessary infrastructure for law enforcement to do its job. The headquarters of the New Orleans Police Department currently operates out of a group of double-wide trailers. The police also lack a permanent central evidence and property storage facility, a special operations division/traffic division complex; and a juvenile division holding facility. In addition, seven of out eleven jails have not yet been repaired including the Old Parish Prison, the Community Correctional Center, the Templeman Phase I & II Jail, and the Templeman Phase III & IV Jail. Together, these four prisons held over 4,000 inmates. If we expect the police to restore order to the city, we need to ensure that they have the basic infrastructure so that they can perform their jobs properly.

Second, as Chairman Leahy mentioned, we asked the Department of Justice to increase the number of DEA and FBI agents in New Orleans. In response, Attorney General Gonzalez dispatched six additional assistant U.S. Attorneys, nine additional FBI agents, and several additional agents from the Drug Enforcement Agency and the United States Marshals Service. We are grateful for the Department of Justice's response to our request and we look forward to working with DOJ in the future to implement other portions of our plan.

Third, we requested that an emergency COPS grant be issued to parishes that Hurricanes Rita and Katrina impacted. The NOPD has lost over 500 police officers since Hurricane Katrina, which constitutes over 30% of the entire force. In order to combat the surge in murders, we simply need more boots on the ground who understand the city and who appreciate the challenges that each of the city's neighborhoods face. I know that this Congress, and in particular, this Committee, have moved aggressively in re-authorizing the COPS program. In particular, the legislation authorizes significant resources for local agencies to hire officers in general community policing efforts. As the Senate moves forward in the re-authorization process, I would like to work closely with this Committee to ensure that significant COPS funding can be allocated to New Orleans, Jefferson parish, and other parishes that have faced significant law enforcement challenges related to the flooding.

In concert with the COPS grant, we have requested that the federal government help construct a new police academy and provide additional funding for the already established Gulf Coast Regional Policing Institute. This will assist the city of New Orleans and the entire region in creating and training a new generation of law enforcement officials who are rooted in their communities and have a vested interested in making them a safer place to live.

As part of our ten-point plan, we also proposed the creation of a state-of-the art crime surveillance system for the City of New Orleans. By creating a more up-to-date surveillance system, New Orleans's law enforcement community will have greater opportunities to identify, arrest and

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successfully prosecute violent criminals. The COPS bill authorizes funding for law enforcement technology grants. It is my hope to work with this Committee to ensure that the COPS bill accounts for cities, like New Orleans, that have undergone a natural disaster and that have lost significant amounts of technological resources necessary to fight crime.

We have also asked that the federal government release $13 million in Social Services Block Grant funds to assist the city in its drug rehabilitation efforts. Approximately 70% of the murders in New Orleans are drug related. Similarly, the majority of the crimes involving juvenile offenders are drug-related. Judge Bell will no doubt mention that the City lacks adequate resources to treat juvenile offenders who have committed a non-violent drug-related crime. By investing in drug rehabilitation early on, we can literally save the lives of these young people and prevent them from becoming repeat offenders in our criminal justice system.

We have also called for greater FEMA coordination with local law enforcement agencies, the reactivation of the Gulf State Initiative, which is a drug trafficking intelligence sharing program between the Department of Defense, the Louisiana National Guard and State Police, and have requested a study of the post-hurricane criminal justice system in Louisiana. Any help that this Committee can provide in implementing these critical programs will be invaluable in our recovery efforts.

Finally, it is important to underscore that additional funding is only part of the solution. We need to demand accountability and coordination on all levels of government—from our local police, from our prosecutors, and from the City's Court system as a whole. With accountability, coordination, and additional funding, we can fight the surge of murders on all fronts.

Mr. Chairman, thank you again for holding this important hearing. I realize this hearing today is only a step, but it is an important one. And while New Orleans's challenges are large, the people fighting to save our city—some of whom you'll hear from momentarily—have exactly what it takes to turn our community around. I look forward to working with this Committee, Senator Vitter, our local law enforcement leaders and community activists in helping stem the flow of violence that has spread across New Orleans.

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Statement
United States Senate Committee on the Judiciary
RESCHEDULED: Rising Violent Crime in the Aftermath of Hurricane Katrina
June 20, 2007

The Honorable Patrick Leahy
United States Senator , Vermont

Statement Of Senator Patrick Leahy,
Chairman, Senate Judiciary Committee
Hearing On "Rising Violent Crime In The Aftermath Of Hurricane Katrina"
June 20, 2007

When Hurricane Katrina struck New Orleans and the Gulf Coast nearly two years ago, no one knew the extent of the devastation, or how long it would take to recover from this tragedy. As we all know now, the federal government's emergency response was inadequate, uncoordinated, and left far too many to suffer far too long after the storm. Today, the Committee examines the latest challenge to recovery from Katrina -- the growing crisis of violent crime in the City of New Orleans.

Violent crime in New Orleans has reached near-epidemic proportions and emerged as the most serious threat to its recovery since the storm. In the first three months of this year, violent crime is up more than 100 percent compared to the same time a year ago. New Orleans has lost nearly half its population since the storm, but the number of murders, armed robberies, and assaults are on track to match totals from before Katrina. In just the last 10 days, there have been 8 more murders, bringing the total to more than 90 so far this year.

The murder rate per capita is now the highest in America, more than 20 percent higher than in the any other major city. At its current rate, New Orleans has 12 times as many homicides as New York City, 3 times as many as Philadelphia, and twice as many as Washington, D.C. The crisis is so severe that National Guardsman and state police have been brought in to help patrol the city streets.

The criminal justice system was battered by Katrina and is now strained to the breaking point. The New Orleans police department has lost more than 500 active officers since the storm -- that's roughly 30 percent of the force. The police department continues to lose more than 15 officers a month to retirement, resignation, and the inability to hire and train new recruits. The courts, prosecutors, and police often work out of temporary facilities, as the Police Commissioner and the District Attorney's offices still rely on FEMA trailers for office space. Only four of 11 jail facilities in the city have been reopened, and, in some cases, temporary FEMA facilities are even used to house inmates. Just this year, the city reopened its crime lab in a rented facility, but it still has a current backlog of more than 1,600 cases, and only one fingerprint examiner and one firearms examiner for the entire city.

In its weakened condition, the criminal justice system has struggled to keep order and bring justice to offenders. Last year, there were more than 160 murders in the city, and so far, only one murder case has led to a conviction -- just one. The police have only brought a quarter of those cases to the district attorney to be charged, and the office has accepted only half of those for prosecution. In the remaining 20 odd cases, securing convictions has become increasingly difficult with the lack of forensic capabilities, delays in court proceedings, and the reluctance of witnesses to come forward where the system cannot protect them from retaliation. And the problem is not unique to murder cases. In more than 3,000 criminal cases last year, the charges had to be dismissed and suspects released, at least temporarily, where in many cases indictments could not be brought within 60 days, as required by Louisiana law. The overall conviction rate is among the lowest in the country.

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There can be no question that restoring order and security to the streets of New Orleans must be among our highest priorities in the rebuilding effort for Louisiana and the Gulf region. Unfortunately, the response of this Administration to this crisis has often been too little, too late. And while the Administration has written a blank check for the war in Iraq, it cannot seem to find the necessary support for those who need it in New Orleans and the Gulf coast here at home.

Federal funds for rebuilding can be structured in ways that make it impossible for the cities and towns in the region to get the help they need. Too often, federal agencies require prepayment or partial payment by local communities, which is impossible where the tax base has been decimated, and there are no funds to even start work on projects. In fact, much of the assistance this Congress has authorized for those in need after Katrina remains unused, and far too many are still waiting for the federal help we have promised. This is also true for those working to restore the criminal justice system in New Orleans.

Two weeks ago, Attorney General Gonzales announced a new violent crime program in response to the second year of FBI statistics showing violent crime is increasing nationally. Unfortunately, this program included no money at all for new state or local police officers on our streets. And regrettably, Attorney General Gonzales failed to even mention the violent crime problem in New Orleans, which is clearly among the most serious in the Nation.

Over the last six years, the Administration has abandoned any commitment to the COPS program, which in the 1990s was the model for reducing violent crime to historical lows in this country. In fact, the COPS program is widely credited with reducing the murder rate in New Orleans by 30 percent -- its lowest rate ever - from 1995 to 1999. But as this Administration defunded the program, effectively taking more and more cops off the street, the murder rate in New Orleans predictably rose to higher and higher levels until Hurricane Katrina.

So far, the largest federal response to rising violent crime in New Orleans has come at the insistence of Congress, and in particular it has come from the leadership of Senator Mary Landrieu, one of the witnesses the Committee will hear from this morning. We welcome Senator Landrieu and her colleague from Louisiana, Senator Vitter. In January of this year, Senator Landrieu announced a 10-point plan to combat violent crime in the region, and she laid out a roadmap to restore the criminal justice system in New Orleans and Louisiana by giving help directly to those who need it most. She called for measures that I have long supported, such as an emergency COPS grants to restore the police officer ranks and immediate block grant funding to restore drug rehabilitation services. She called for the Administration to speed up its reconstruction projects for criminal justice facilities. And she called for the Department of Justice to increase the number of federal agents assigned to New Orleans.

Following her lead, in the past few months, the Department of Justice announced plans to send 20 more federal agents to New Orleans and the region, and to hire six more federal prosecutors. And we learned just last week -- after this hearing was announced -- the Justice Department released $5 million in new Byrne grant funding for law enforcement in Louisiana, some of which can be used for New Orleans. This new support is welcome and needed, but it is a small step in longer journey to restore the police department to a robust force that is needed to patrol the city's streets, and help local prosecutors and investigators raise the historically low conviction rates. We need to do more, and we can do more.

There is a clear roadmap for success in battling violent crime in cities, such as New Orleans, and

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Congress must continue to show the Administration the way forward on this issue. With Senator Landrieu's leadership, Congress has already provided $50 million for law enforcement reconstruction in Louisiana, which was part of the supplemental appropriations bill signed into law just this month. The Administration can now follow the path proven to reduce violent crime in the past, by supporting full re-authorization of the COPS program and using these newly committed funding to hire and train new police officers in New Orleans, rebuild the city's courts and jails, and make their criminal justice system even better than it was before the storm.

I hope today's hearing will be a step toward recovery for the Gulf region, and send a signal to this Administration that we can fight violent crime in this country by working cooperatively with our state and local law enforcement partners. Only then can we bring back the vitality and pride of one of our Nation's greatest treasures, the City of New Orleans and the Gulf coast region, and make it a secure and prosperous home again for all its citizens.

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U. S. DEPARTMENT OF JUSTICE

STATEMENT

OF

JIM LETTEN
UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

"VIOLENT CRIME AND THE CRIMINAL JUSTICE SYSTEM
IN NEW ORLEANS FOLLOWING HURRICANE KATRINA"
PRESENTED ON
JUNE 20, 2007

STATEMENT
OF
JIM LETTEN
UNITED STATES ATTORNEY
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BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
CONCERNING
"Violent Crime and the Criminal Justice System in New Orleans Following Hurricane Katrina"
June 20, 2007

Chairman Leahy, members of the Judiciary Committee, I am Jim Letten, United States Attorney for the Eastern District of Louisiana. It is a distinct honor to be here before you as the United States Attorney, as the ranking Federal law enforcement official in the Eastern District of Louisiana, representing the outstanding men and women of my U. S. Attorney's Office and Federal law enforcement. On their behalf and on a personal note, I thank you for your continuing commitment and support to all of our offices, and especially to the critical rebuilding effort during a very historic, difficult, and challenging time for our State, the city and the region.

Our U. S. Attorney's Office immediately implemented its Continuity of Operations plans and reestablished itself as a viable entity following our dislocation from the City of New Orleans as a result of Hurricane Katrina. This speedy and highly efficient reconstitution and coordination was accomplished as a result of extraordinary commitment and teamwork by many individuals, including U. S. Attorney General Alberto Gonzales, the office of the Attorney General, the Deputy Attorney General, and the Executive Office for U. S. Attorneys (EOUSA), as well as an unparalleled sacrifice and commitment by Middle District of Louisiana (Baton Rouge) U. S.

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Attorney David Dugas and his very fine staff. Operating from our temporary headquarters in Baton Rouge, the men and women of the New Orleans' office efficiently maintained the functions of their home office, as well as a satellite office in Houma, Louisiana, thanks to the generosity of numerous other Department of Justice components and U. S. Attorneys' Offices throughout the United States. Determined to stay abreast or ahead of demands on our office and the U. S. Department of Justice, as we anticipated the population returning to the city and the recovery beginning in earnest, after spending four months operating primarily outside the district, our office relocated fully operational in our present quarters in the Hale Boggs Federal Building and Courthouse complex in downtown New Orleans by January 1, 2006.

In fact, between Hurricane Katrina's landfall on August 29, 2005, and April, 2006, the City of New Orleans and much of Jefferson, Plaquemines, and St. Bernard Parishes were virtually depopulated (or at least under-populated). In addition to the population decreases, New Orleans has lost many large and small corporations and businesses over the years.

I. Crime in the City of New Orleans

Prior to Hurricane Katrina, the City of New Orleans (limited to Orleans Parish) grappled with one of the highest per-capita homicide rates in the United States. In fact, just months before Hurricane Katrina struck, at the Mayor's Crime Summit breakfast, I warned that the viability and even survival of the city would depend on the ability to control and reduce violent crime; to control and deter corruption (which, along with violent crime, had contributed to an enormous talent drain); to build a viable public school system (especially for those poor and unprivileged children in Section 8 and public housing); and to build and diversify the economy of the City which had been loosing businesses and job opportunities over recent decades.

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The U. S. Attorney's Office, coupled with our Federal law enforcement partners — ATF, DEA, FBI, and the U. S. Marshals Service — along with our local partners — including the New Orleans Police Department, Jefferson Parish Sheriff's Office, and others — aggressively pursued the Administration's and the Department's violence-reduction goals under the collaborative priority partnership known as Project Safe Neighborhoods (PSN) from its inception. In seeking information and answers, we tend to look to statistics. However, for a variety of reasons, *reliable* statistics have been somewhat elusive, especially post-Katrina. Officially-released NOPD statistics suggest a numerical downturn in Calendar Year (CY) 2006 homicides in New Orleans when compared with the first three quarters of 2005, citing 53 recorded homicides in the first three quarters of 2006 compared to 68 in 2005, for an *apparent* reduction of homicides of 22% for that period.

However, as we reported to the U. S. Department of Justice and to Gulf Coast Recovery Chairman Donald Powell's staff, NOPD's second quarter murder statistics for the city was published at 39 homicides (for an estimated population of roughly 220,000) versus 69 murders for second quarter 2005 (for an estimated population of 450,000). Using even these figures, it is clear that, at best, by the second quarter of 2006 — when the population began to return in earnest — the homicide rate in New Orleans was every bit as bad, and perhaps even somewhat worse, as it was the previous year when we led the nation.

Using NOPD-provided homicide statistics, in CY 2005 (the year in which Katrina struck, effectively emptying the city in August and thereafter), the city reported 211 homicides, with a population of roughly 450,000 inhabitants for the first three quarters. Using the same NOPD indices, the city in CY 2006 following Katrina, experienced 161 homicides. It is important to

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note that while the population of the city during the first three quarters of 2005 (pre-Katrina) was 450,000, the last quarter saw a dramatic population decrease. Similarly, during the first quarter of CY 2006, most of the population had not returned, at least until April, after which, for the remaining three quarters of the year, the city had an average population of perhaps 220,000.

While homicides were 65, 69, and 68, respectively in the first three quarters in 2005, only 9 occurred (predictably) following Hurricane Katrina. Moreover, the first quarter of 2006 produced only 17 homicides with 38, 53, and 52 respectively for each of the subsequent quarters reflecting the population return to the city. Statistics, however, can be confusing or even misleading. For instance, a realistic comparison between the first quarter of 2007 with 48 homicides against the first quarter of 2006 with only 17, while suggesting an enormous spike, is unrealistic, given the fact that much of the city's population had not yet returned until the second quarter of 2006.

Conversely, a comparison of the first quarter of 2007 (at 48) with the last quarter of 2006 (at 52) is far more realistic unfortunately suggesting a relatively undiminished rate.

The population return under conditions wrought by Hurricane Katrina, including the destruction of 80% of the City through flooding, exacerbated the crime problem. It is worth noting, however, that the final published number of homicides for New Orleans for 2006 was 161. This final figure, of course, indicates an increase in the number of post-Katrina homicides commensurate with population return. A significant population of migrant workers, the exact number of which can only be estimated, reaching perhaps between 30,000 and 60,000 on any given day, must be considered when determining contributing factors and stresses upon local, State, and Federal law enforcement.

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As of June 13, 2007, there have been 84 homicides in Orleans Parish since the beginning of 2007.

II. Causes of Crime in the City of New Orleans

In addressing the violent crime problem, we look primarily to drug, firearm-related crime, and immigration cases affecting and contributing to local challenges simply because they are all interrelated.

A. Drugs

I must stress that, save in extraordinary cases, all of our Federal drug cases are against distributors because simple possession of controlled substances is a misdemeanor under Federal laws. Many of these distributors are directly or indirectly involved in street-level violence in the City and in the region. Indeed, the drug trade in New Orleans has, since effective prosecution and interdiction in the 1980s and early 1990s, transitioned to a low-level, street trade for the most part, primarily engaged in by young males from housing developments and poor neighborhoods, who either alone or in very loosely-knit, non-structured groups sell drugs and violently engage one another and settle disputes with firearms.

The violence in the streets is generally the result of actions by individuals who, although armed because they are involved in the drug trade, nevertheless also tend to settle non-drug-related disputes violently. Importantly, the vast majority of homicides and other violent offenses, including rape, armed robbery, assault, and property crimes, must be handled by the local criminal justice system because they cannot be connected to a chargeable Federal offense or do not otherwise fall within Federal jurisdiction.

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B. Immigration Related Crimes

One cannot ignore the fact that after Katrina, New Orleans overnight became a "frontier" or "border" town, initially bereft of much of its indigenous population; with a largely poor and uneducated indigenous population returning to destruction and a shortage of available housing and educational opportunities; with enormous additional pressure from a growing population of transient/migrant laborers, many of whom are illegal, and numbering perhaps between 30,000 and 60,000. It is certainly worth noting that outstanding and successful efforts by the U. S. Marshals Service and the U.S. Immigration and Customs Enforcement (ICE) have yielded excellent results in direct response to this phenomenon of a transient population. In fact, as indicated hereinafter, the U. S. Marshals Service has been very successful and aggressive in seeking and arresting hundreds of violent fugitives on felony charges as part of the U. S. Marshals Service Crescent Star Fugitive Task Force. Beginning in October, 2006, the existing Task Force has been augmented by USMS investigators and analyst as part of the Attorney General's Violent Crime Initiative.

C. Gangs

Although plagued by increasing violence, New Orleans does not suffer, and has never suffered, a "traditional" gang problem. That is, although, post-Katrina offenders identified with certain organized (in some cases Central American transnational) gangs have been observed, identified, or otherwise arrested for various State/local offenses, we do not believe that any of these large, structured organized gangs (or any other organized gangs for that matter) are operating as such in the area. However, the presence of these individuals suggests a very small forward presence of certain elements to determine if the area is fertile for organized gang activity

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to flourish — hence, our extraordinary vigilance through the intelligence-sharing process utilized by FBI, DEA, ATF and the U. S. Marshals Service, along with our local partners.

There is a relatively small cadre of ruthless, violent offenders who without the benefit of an adequate family or educational system have grown up in a culture of poverty, despair and violence; and who obtain, use, and sell illegal drugs for quick, easy profit. Penetrating these groups, for many reasons, has proven difficult at best, if not impossible under most circumstances. We have made positive strides *on the Federal level*, in investigating, arresting, indicting, and prosecuting many of these individuals, and thereby getting them off the streets.

D. Problems Unique to the Gulf Region Post-Katrina

The crime problem here is the result of an *extremely* complex landscape including:

- A returning population consisting of thousands of poor individuals with inadequate, unsafe housing; inadequate skills, education, and employment opportunities; and serious drug and related problems.
- Thousands of returning poor are "squatting" in large recently-flooded areas of the inner city, often in filthy, unlivable conditions, causing alarm even at NOPD HQ levels based upon observations by responding police officers that "at midnight responding to calls in these areas we will sometimes see hundreds of individuals sitting on the sidewalk, on doorsteps, or just walking around with nothing to do....".
- A struggling system of schools which is not providing sufficiently strong alternatives to returning school age children, which may be contributing to juvenile crime problems.
- Returning drug dealers and violent criminals have chosen to come back to New Orleans in order to attempt to exploit the highly dysfunctional local criminal justice system, including its notorious "revolving door".
- A separate population of between 30,000 and 60,000 transient/migrant workers, many of whom are illegal in the area

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Further, despite a committed, competent, reform-minded police superintendent, with dedication to rebuild the police department, NOPD suffers a number of debilitating problems, including:

- A steady hemorrhaging of experienced, competent officers to other departments and agencies.
- A lack of adequate reporting/computer/database equipment for tracking of cases and intelligence.
- A shortage of adequate jail space (both adult and juvenile), and an equal shortage of qualified individuals to act as prison guards in both Orleans and Jefferson Parishes.
- Overcrowding in non-flooded sections of New Orleans and adjacent Jefferson Parish on the West Bank of the Mississippi River (Algiers) resulting in high-crime hot spots there.

III. The Law Enforcement Response Post-Katrina

In 2006, the U. S. Attorney's Office charged a total of 358 individuals with drug, violent crimes, firearm and significant immigration offenses.

- 196 individuals were indicted for Federal drug distribution felonies;
- 71 defendants were charged with violent crimes and firearms offenses;
- 91 defendants were charged with immigration felonies (many of whom were prior convicted aggravated felons);
- 267 individuals were charged with drug and/or violent firearm offenses in 2006.

In comparison with the previous year (2005), our office produced 32 more indictments, despite the fact that only half the population of pre-Katrina New Orleans had returned.

Additionally, having indicted 29 individuals with immigration felonies in calendar year 2005, our office more than tripled that number in calendar year 2006 with 91.

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Further, caseload data extracted from our systems establish that our violent crime prosecutions (including firearms charges) increased by a solid 32% in 2006 over 2005, producing a 98% conviction rate. Our similar data shows a 100% conviction rate in immigration offenses and a 10.3% increase in drug cases filed, with an effective 100% conviction rate.

Looking retrospectively, between the first of January 2006 and June 6, 2007, our office has indicted no less than 358 individuals on violent crimes and firearms related felonies. Moreover, during that same period we have indicted 708 individuals on drug-related felonies as well. These statistics, of course, do not include the hundreds of other individuals charged with other offenses, ranging the entire Federal criminal spectrum from corruption to white collar offenses, to child pornography and exploitation, to Katrina fraud and the like.

Moreover, thanks to the extraordinary competence and dedication of the fine men and women of Federal enforcement (including our own U. S. Attorney's Office as well as FBI, DEA, ATF, U. S. Marshals Service, ICE, Secret Service and others), our office produced literally hundreds of notable, significant cases against violent offenders, drug dealers and firearm-related offenders in 2006. That very aggressive trend, which is the result of our concerted, unabated efforts to get more and more drug and violent crime cases charged in the Federal system continues into 2007 to this very date.

Statistics do not even begin to tell the positive story of Federal enforcement — or perhaps more importantly — our groundbreaking partnerships with our local brethren in our ever-changing, ever-increasing battle against crime in post-Katrina New Orleans.

To be sure, nowhere is the serious and unwavering commitment of the Federal government more evident than in the presence of the U. S. Attorney General.

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Simply stated, since Hurricane Katrina occurred a little more than a year and a half ago, Attorney General Alberto Gonzales has personally visited the city on no less than six occasions. Moreover, in the days, weeks and even months immediately following Hurricane Katrina, I personally spoke with the Attorney General and staff members regarding our unique difficulties, challenges and solutions on a daily basis. That collaborative communication continues to this day, and continues to produce results.

As evidence of our commitment to work in an exemplary partnership with our State and local law enforcement agencies and our commitment to combat violent crime, in September, 2006, (following an August visit by Attorney General Gonzales to New Orleans in which he met face to face with local law enforcement leaders) the Department of Justice allocated additional Federal resources to New Orleans, including additional Federal agents to FBI, ATF, and the U. S. Marshals Service, as well as additional Assistant U. S. Attorneys.

A. Additional Prosecutors

Our office received the benefit of the assignment of six additional prosecutors from various U. S. Attorney's Offices and Main Justice components around the country, on six-month details to assist in our increasing Federal investigations and prosecutions. Those details were re-authorized by the Attorney General in January of 2007, and we now have the extended benefit of seven additional detailees, for a total of 13, who continue to produce significant results.

During the first six-month cycle, in addition to supporting our Assistant U. S. Attorneys in working on myriad other existing cases, our statistics show those first six Special Assistant U. S. Attorneys opened 84 new matters, and indicted 48 additional defendants on serious felony charges, mostly related to violent crime, firearms offenses and immigration cases. The second

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group of detailees has already opened roughly 60 significant federal cases and has returned indictments against some 40 defendants.

Additionally, as the direct result of specific funding and authorization provided by the Attorney General in August, 2006, our U. S. Attorney's Office has hired an additional nine Assistant U. S. Attorneys to serve on our staff. These AUSAs are tasked with the investigation and prosecutions of similar violent crime, firearms and immigration offenses, as well as Katrina fraud-related and other offenses.

B. Bureau of Alcohol, Tobacco, Firearms and Explosives

During that August visit, the Attorney General additionally announced the assigning of four additional ATF Special Agents to New Orleans to supplement the Violent Crime Impact Team (VCIT), in order to focus on reducing gun crime through Federal prosecutions and assistance to the New Orleans Police Department. These agents and existing task force officers were assigned the mission of identifying and pursuing recidivist offenders considered the "worst of the worst" and who reside and operate in certain high-crime areas.

The Attorney General also announced that ATF was re-launching its highly successful 24-hour ATF gun hotline which allows citizens to report illegal gun use and possession of firearms responses.

Pursuant to the Attorney General's support for the reestablishment of ATF Hotline, the New Orleans Field Division together with the U.S. Attorney's Office, has used an aggressive and successful advertising campaign to publicize the local hotline number, resulting in hundreds of tips, many of which have led to the arrests of violent offenders.

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One recent, notable example of a significant ATF investigative success, together with the U. S. Attorney's Office and Jefferson Parish Sheriff's Office, as well as U. S. Secret Service, was the arrest of three individuals - who owned or worked at Elliott's Gun Shop just outside Orleans Parish, for various federal felonies, including aggravated identity theft, wire fraud and for colluding with straw purchasers and assisting in the forging of signatures on ATF forms for the purchase of weapons by prohibited persons.

Swiftly putting these additional resources to work, a ramped-up effort to take increasing pressure off of the local district attorney's office, (which suffered some 3,000 Rule 701 releases of arrested defendants last year as a result of that office's not having brought charges within the prescribed 60-day period and another 2,100 plus releases to date), and in an effort to charge more firearm and drug offenders — particularly in urban high crime or "hot spots" around the city, small teams of ATF, DEA, and FBI agents have partnered with members of NOPD. Our purpose is to make these Federal agents more readily available to local officers, to identify cases which are subject to Federal jurisdiction, to charge them whenever possible in the Federal system and to provide the necessary investigative assistance to make Federal arrests and follow up with Federal prosecutions. Beginning in earnest during the first week of February, this new initiative has produced some 80 additional individuals arrested on Federal drug distribution and firearms charges, 65 of whom have been indicted, with 22 having already been convicted. To date, all but two of these individuals remain detained in Federal custody.

C. Federal Bureau of Investigation

The FBI's recently-launched violent crime intelligence initiative gathers information on violent criminals from partnering agencies (both State and Federal), develops and maintains "the

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most violent offenders" list, and routinely distributes that information to Federal, State and local law enforcement for action. Specifically referred to as the "New Orleans Joint Agency Metropolitan Area Violent Crime Strategic Assessment," this important and detailed intelligence product is the result of the FBI's very aggressive and forward-leaning violent crime intelligence initiative. Providing a panoramic view of the violent crime landscape, it evaluates the totality of violent criminal activity from organized gangs to affiliated individuals. Furthermore, recognizing the continued violence associated with the return of neighborhood gangs, violent conflict over turf and drugs, and increasing violence crossing parish boundaries, this important intelligence product explores not only the identities and characteristics of the offenders but also the nexus between drug trafficking, violence and guns, which it identifies as focus for source identification and case resolution.

D. Drug Enforcement Administration

In addition to this FBI intelligence effort, DEA, ATF, and NOPD have recently initiated an intelligence effort aimed at violent crime reduction and titled the "Targeted Offenders Project," with three primary objectives. The first goal is for all NOPD arrests for murder, armed robbery, and illegal possession of firearms since Hurricane Katrina to identify violent repeat offenders eligible for immediate Federal prosecutions for weapons violations. The second goal is to collect, analyze, and collate all documentary evidence seized from these suspects and their organizational associates, where appropriate. Finally, the project will identify emerging violent gangs, conspiracies, or organizations operating in the New Orleans Metropolitan Area for targeted enforcement action.

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Additionally, DEA's Divisional Intelligence Group (DIG) has sponsored Federal law enforcement analytical training in New Orleans for NOPD's Criminal Intelligence Bureau (CIB). Prior to this process, the CIB officers had no formalized intelligence training. This DIG has worked with CIB to determine needs, establish priorities and develop data bases to manage information gathered through field interview cards.

DIG is also working with Crimestoppers to develop actual intelligence on drug-related hotline complaints.

E. United States Marshals Service

The Attorney General further announced the assignment of four additional individuals - three Deputy U.S. Marshals and one support person to supplement and support the highly-successful Crescent Star Fugitive Task Force, which partners with the New Orleans Police Department, St. Charles and Orleans Parish Sheriffs' Departments, Louisiana Probation and Parole, and U. S. Coast Guard, to locate and arrest violent felony fugitives across the thirteen parishes comprising the Eastern District of Louisiana.

In addition to extending the assignment of the three Deputy U.S. Marshals to the Crescent Star Fugitive Task Force, the U.S. Marshals Service has doubled its efforts in conducting periodic fugitive roundups, and its Technical Operations Group (TOG) has provided assistance to and has prioritized cases from that task force, routinely providing Federal, State, and local agencies with support in electronic surveillance, aerial surveillance, communications, and analysis and intelligence related fugitive investigations. The mission and accomplishments of the U. S. Marshals Service are a critical component of the Federal enforcement effort, particularly inasmuch as fugitives account for a large percentage of violent crime committed in

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any jurisdiction. This is particularly problematic in New Orleans and its environs which, by virtue of a resurgent population (in certain areas), and a significant, largely anonymous population of migrant workers (many of them illegal aliens), the area potentially provides a possible safe haven for fugitives to blend among the itinerant work force. Since the Attorney General's New Orleans multi-component initiative was officially kicked-off in October, 2006, the USMS Crescent Star Fugitive Task Force (previously referenced) has, over the last 30 weeks, arrested no less than 380 violent fugitives on felony charges, including 12 individuals wanted for murder, and 22 listed on the New Orleans Police Department's most wanted list.

Moreover, and most importantly, during the week of June 4, 2007, Deputy U. S. Marshals in New Orleans apprehended 2 individuals wanted for child abduction and safely recovered the seven year old victim. Stated simply, by taking these violent offenders off the streets of New Orleans, the USMS continues to contribute a great deal to addressing the crime emergency in New Orleans.

Additionally, the USMS Crescent Star Fugitive Task Force has provided extensive training to State and local partner agencies to address the new challenges facing law enforcement in New Orleans in the post-Katrina environment, including entry techniques for mobile homes (such as FEMA trailers), "shotgun" houses, debris piles, abandoned buildings, and other structures, further supplemented by canine training, building entry, fugitive apprehension, and firearms training. This much-needed training has significantly helped State and local law enforcement decimated by the hurricane.

The USMS, as with so many other leading federal agencies in New Orleans, continues to contribute more than its share to crime prevention. Indeed, members of the service have been

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intimately involved in working with Special Agents from ATF, as well as NOPD and the Orleans Parish Sheriff's Department in the successful and ongoing GREAT program. GREAT (Gang Resistance Education and Training) Family Programs are designed to reach children at young, impressionable ages where they can be effectively educated about the dangers of drugs, gangs and violence, and steered away from those dangers. The GREAT Family Programs are also gearing up for active participation with local faith based organizations and other prevention groups for the coming summer.

It is also worth noting that despite an increased burden on the USMS district operation in terms of prisoner population and productions, resulting from the increase in Federal prosecutions, the USMS continues to meet the challenges effectively.

F. Community Funding

The Attorney General has announced additional resources to rebuild communities and to provide for the public safety of our citizens including:

- providing up to $30,000 for funding to assist in the establishment of a police athletic league as a result of grants from the Justice Department's Bureau of Justice Assistance and Office of Juvenile Justice and Delinquency Prevention.
- providing additional funds to help establish Safe Havens for children in three New Orleans Weed & Seed sites, including Treme, Central City, and Algiers/Bywater (which will expire at the end of this month - June, 2007).
- re-establishing Boys and Girls Clubs of America destroyed by Hurricane Katrina with funding provided through the Bureau of Justice Assistance and Office of Juvenile Justice and Delinquency Prevention.

IV. Continuing Support by the Department of Justice

During the last week of January, Attorney General Gonzalez returned to New Orleans and announced yet additional Federal resources to help combat the recent increase in violent

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crime in the city, citing the efficiency, power, and effectiveness of Federal law enforcement in getting and keeping violent offenders off our streets without permitting them to return to terrorize our citizens. These additional resources will continue to support State and local law enforcement officials who are struggling to meet the challenges of fighting violent crime here in the city.

A. Renewed Commitment of Law Enforcement Resources

First, the Attorney General, as I previously indicated, authorized the extension of funding for seven Federal prosecutors detailed as Special Assistant U.S. Attorneys to our office through the end of this fiscal year.

Second, ATF was authorized to provide six special agent details (an increase of two from the original four details dispatched in August) to supplement the six ATF special agents permanently assigned to the New Orleans VCIT, temporarily doubling the standard ATF manpower assigned. Additionally, ATF has obtained critical new equipment to replace the National Integrated Ballistics Identification Network (NIBIN) equipment that had been deployed at a New Orleans Police Department site but was destroyed by Katrina flood waters. That NIBIN equipment is waiting to be placed into service to support the New Orleans Police Department. Presently, technicians recently funded by the U. S. Department of Justice from various area crime labs are assisting NOPD in doing essential ballistics analysis. Once the NIBIN equipment is fully integrated into the new crime lab, NOPD will be able to link with over 200 sites throughout the country to compare ballistics information in helping to solve and reduce violent crime by linking together cold crimes and recovery weapons where previously very few, if any, leads existed.

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ATF continues to produce numerous significant cases against dangerous offenders. Specifically, since the initial arrival of the VCIT detailees at the end of August, our U. S. Attorney's Office has indicted 105 defendants on firearms charges as a result of cases made by these ATF special agents. In fact, since our last Congressional testimony before the House Subcommittee on Crime, on April 10, 2007, 24 defendants have been indicted by our office as a result of ATF action.

In addition to these numerous cases, the VCIT agents detailed to ATF have worked on cases adopted by the U. S. Attorney's Office and ATF from NOPD in numerous cases, including proactive investigations of armed drug traffickers, complex historical cases of armed drug organizations, such as the "Brothers In Arms" cases resulting in multiple life sentences, and investigations of crime gun suppliers, including the successful investigation and prosecution of individual involved in the theft of guns from a prominent sporting goods store in the New Orleans area.

The FBI, which received additional agents in support of this effort, continues to support NOPD and other local enforcement, as well as the larger federal effort in three areas, including operations, intelligence, and community outreach. Nine additional FBI agents were assigned to the New Orleans area to supplement the thirteen FBI agents previously assigned to its Violent Gang Safe Streets Task Force. This Safe Streets Task Force works very closely in support of NOPD in criminal enterprise investigations, and has been very successful in helping to take out violent drug distribution elements throughout the city. Agents are assigned to each district and are involved in the development of sources and T-III wiretaps, with FBI having developed 50 human sources which report routinely on drug and gang activity.

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The FBI staff supports training to the New Orleans Police Department on Project Pinpoint, an innovative technique allowing FBI and law enforcement partners to map location of crimes, bench warrant information, tips from the public, and source coverage, in order to connect the dots and utilize intelligence efficiently.

Additionally, highly qualified FBI special agents from around the United States have been specifically recruited to work in the field side-by-side with NOPD to assist in the investigation of current homicides and "cold" cases and to determine the existence of any Federal elements that would permit a Federal homicide charge. These special agents are embedded in NOPD space and work on every homicide case. Upon arrival, the homicide clearance rate stood at 19%. Now, with FBI assistance, the clearance rate is approaching 60%. These special agents will remain at the NOPD Homicide Unit throughout the summer and return to their respective field offices in mid-September. Following that re-deployment, the FBI will assign on a full time basis, two FBI special agents to NOPD Homicide.

Following Katrina and Rita, and recognizing that the threat landscape would likely change, the FBI re-established and hosts the successful, multi-agency Violent Crime Intelligence Center (VCIC). The VCIC is comprised of agents from the FBI, as well as officers from NOPD, Kenner Police Department, and St. Bernard and Jefferson Parish Sheriffs' Offices. Together, they produce strategic and tactical assessments, and distribute these assessments to other law enforcement to help them understand and respond to the current threat. With the previously-referenced influx of tens of thousands of migrant workers, the FBI, together with all of our partners, were concerned about the possible migration of Latin and transnational gangs to the New Orleans area. Within a few days of early intelligence conferences sponsored by the FBI,

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area law enforcement agencies were making arrests of individual members who, by their identifying characteristics, were associated with various Latin gangs, notably MS-13, the Latin Kings, Southwest Choloes, Vatos Locos and 18th Street Gang, permitting FBI's VCIC to produce a threat assessment as a result of their presence. To date, we do not have evidence that any of these gangs are organizationally operating as enterprises in the area, although we remain vigilant.

The additional personnel assigned to the U.S. Marshals Service Crescent Star Fugitive Task Force were further extended.

Special agents of the DEA were temporarily provided with authority to investigate and enforce all Federal criminal laws, in addition to Federal drug laws, effectively allowing DEA agents to assist New Orleans Police Department in maintaining law and order in the City of New Orleans on a broader scale than ever before. Seventeen locally assigned DEA Special Agents were embedded with specialized NOPD units. Seven Special Agents were initially assigned to the Crime Abatement Team (CAT) which focuses its efforts on reducing violence in crime "hot spots." Seven additional DEA Special Agents were embedded with units of the NOPD's Special Operations Division which performs not only SWAT functions, but also responds to high risk situations. Three Special Agents were additionally assigned to NOPD's Major Narcotics Unit, in order to ameliorate a recent NOPD personnel turnover.

Presently, as a result of internal monitoring of the effectiveness of the tactical deployments of agents with NOPD, and in consultation with U. S. Attorney's Office and other federal agencies, DEA (as with ATF) continues to demonstrate responsiveness and flexibility by modifying its arrest tactics and changing assignments of agents in the field with NOPD, in order to achieve maximum efficiency and quality of federal cases.

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DEA's partnership with NOPD to address the rising violence situation in one of the city's "hottest" area known as Central City, located within the Sixth District, led DEA to commit a High Intensity Drug Trafficking Areas (HIDTA) Task Force group consisting of four Special Agents, along with ten NOPD detectives to focus on violent drug traffickers operating in this area. Additionally, the DEA New Orleans Divisional Intelligence Group (DIG) participates in regular Joint Operations Command (JOC) meetings with our partners in federal and state law enforcement, and together with the HIDTA intranet-based intelligence system gathers and shares important intelligence and information on criminal activities in the area.

To date, DEA Special Agents and Task Force officers have participated in the arrest of 783 defendants on federal and state drug charges and have seized 127 firearms. Moreover, since the inner city cooperative deployment beginning at the end of January, they have participated in the arrest of over 40 defendants on federal drug and weapons charges with law enforcement partners, and have assisted NOPD in the arrest of over 400 individuals for state and local violations as well.

B. Victim's Programs

Also in January, as a result of the commitment of the Attorney General, the Department of Justice provided funding for our United States Attorney's Office to recruit, identify, and hire two highly competent professionals to augment an already well-established, highly efficient victim witness team in order to provide for protection, relocation, counseling, and other assistance to victims and witnesses of crime, both in the United States Attorney's Office, and in local prosecutors' offices such as the New Orleans District Attorney's Office. That process is currently underway.

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C. Violence Against Women

The Attorney General announced that the Department of Justice is committing up to $3 million in Federal funds to address domestic violence and sexual assault in the City of New Orleans and surrounding parishes. The Acting Director of the Department's Office on Violence Against Women (OVW) has spearheaded an effort to build a broad community partnership to determine the best way to address the needs of victims in New Orleans. In particular, this community partnership is exploring using the funding to create a family justice center, based upon a successful model established in San Diego and other cities across the United States. To date, an extraordinary partnership of federal, state, local, private, community and faith-based actors has worked with an unprecedented level of collaboration to plan for a family justice center. In addition, in order to help victims before any such center could open, these partners have identified a temporary location where they can provide co-located victim and criminal justice services in the immediate future. This site is targeted to open on August 28.

D. Criminal Justice System

The Attorney General also focused on the extraordinary efforts by the U. S. Department of Justice to rebuild the local greater New Orleans criminal justice system in its entirety.

Following an initial meeting in Baton Rouge, Louisiana, in November, 2005, this USAO took the lead in constructing, guiding, and participating in what we have called the Southeast Louisiana Criminal Justice Recovery Task Force. That Task Force was constructed based upon my personal request to Louisiana Supreme Court Justice Kitty Kimball to chair four working groups which we built and which are active and productive to this day: the Judicial (courts) working group, chaired by Justice Kimball; the District Attorney working group, chaired by

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Louisiana District Attorney's Association Director Pete Adams; the Law Enforcement/Police Recovery working group, chaired by New Orleans businessman and Police Foundation founder John Casbon; and the Corrections Systems working group, chaired by Louisiana Secretary of Corrections Richard Stalder. That Recovery Task Force, as a result of great leadership on the part of the working group chairs (and especially Justice Kimball, who has emerged as its defacto overall Chair), as well as those of DOJ (and in particular BJA), thrives to this day, and remains one of the few forums in which the various State and local justice/judicial agencies communicate directly with each other on sensitive issues affecting the entire system.

E. Bureau of Justice Assistance Grants

As the direct result of our construction of this task force, we brought in BJA which, in May of 2006, signed grants distributing over $58 million to Louisiana law enforcement agencies, some $47 million of which went directly to needy agencies (e.g. NOPD and Jefferson Parish Sheriff's Office) in the greater New Orleans area. For example, NOPD received approximately $5 million; the New Orleans District Attorney over $3 million; the Orleans Parish Criminal Sheriff almost $14 million; the New Orleans Public Defender almost $3 million.

V. Measurable Progress

Despite a slow recovery our Criminal Justice Recovery Task Force has, through sheer will, periodic meetings, and leadership of the working groups, produced some improvements to the criminal justice system since its organization, and in particularly the last few months.

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A, New Orleans Police Department Solutions and Innovations

- NOPD has achieved a necessary, money-saving, and significant reduction in the costly and wasteful issuance of thousands of unnecessary subpoenas in pending criminal matters by providing a centralized location for the receipt of subpoenas for all officers.
- NOPD officers continue to receive much-needed training (previously supplied by our USAO, together with our Federal investigative partners) on more efficient report writing to reduce the number of officers needed to appear for judicial proceedings, thus freeing more officers for enforcement missions.
- Improvements have been made in handling and transporting of evidence from the flooded Clerk's Office (where much evidence was lost, damaged, and disordered).
- As the direct result of proactive problem-solving by our U. S. Attorney's Office and the U. S. Department of Justice, the U. S. Department of Justice has currently allocated approximately $500,000 to help secure the employment of critically-needed crime lab technicians to support NOPD. These individuals are now actually working in the NOPD newly-occupied crime lab at the University of New Orleans Research and Technology Park. The Department has, since Katrina, operated without its own crime lab having been forced to access, where possible, the crime labs of surrounding jurisdictions. NOPD's recovery is in large measure dependent upon obtaining its own crime lab space and personnel. To that end, through our own personal efforts, the Department of Justice has helped, along with Gulf Coast Recovery Chairman Donald Powell's office, the New Orleans

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Police and Justice Foundation, and FEMA, to secure a contract between the city and the University of New Orleans Foundation, which, through an initial three-year lease, has now provided NOPD with its own state-of-the-art crime lab. Currently, that crime lab is 50% operational, and should be operating at 100% upon delivery of the remaining equipment by early August, 2007.

- Finally, as a result of extraordinary coordination efforts by our office and our partners within the Louisiana State Police, Jefferson Parish Sheriff's Office, as well as Plaquemines and St. Bernard Parish Sheriffs' Office, NOPD and those partners now have interoperable field communications systems.

B. Criminal District Court Clerk's Office

- Necessary evidence for criminal cases has been much more effectively and efficiently cleaned and restored.

- The previously cumbersome and almost impossible process for prosecutors to access and view evidence by prosecutors has been revamped, allowing them to get earlier and better access to evidence stored by and in the Clerk's Office.

- Plans for better, more accessible and safer storage of evidence are being implemented. For instance, at a recent Southeast Louisiana Criminal Justice Recovery Task Force meeting, we successfully fostered a dialogue in which the decision was made to utilize above ground storage for evidence (which heretofore still had been maintained at ground level and subject to flooding) for criminal district court evidence.

- Improved inventory control methods for storing and retrieving evidence have been implemented.

- Some necessary positions in the Clerk's Office have been restored.

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C. New Orleans District Attorney

- As a result of efforts through BJA and the State of Louisiana, increased pay has been provided for the hiring and retention of competent assistant district attorneys.

- As a result of a specific plan and funding of $3 million from BJA, a former Federal prosecutor and cadre of experienced prosecutors have been hired with Federal monies to improve and speed up screening of previously-arrested cases.

- As a result of the same BJA funding and planning by the Department of Justice and Task Force members, a small career criminal bureau of experienced state prosecutors has been assembled with the mission of handling difficult and demanding cases and training other prosecutors.

- As the direct result of Federal government intervention, in February, the District Attorney's Office announced the implementation of operational reforms in order to increase efficiency. Specifically, in a multi-part plan, the DA, together with and supported by the Police Chief, announced the commitment by the District Attorney to reduce Rule 701 pre-charge releases by permitting his prosecutors to file bills of information against drug offenders based upon positive field tests. The field test training and over 2,400 of the actual presumptive field tests kits have been supplied by DEA to NOPD as a direct result of this important resolution in order to make possible the utilization of this valuable investigative and prosecution tool. Additionally, a previously-formalized and dysfunctional communication dynamic between the District Attorney's Office and the New Orleans Police Department is reportedly being changed, and replaced with a regular case screening/tracking, prioritization and review process, which (if actually implemented) should contribute measurably to reducing pre-charge releases.

D. Criminal Courts

- The Criminal District Court building has been largely restored, allowing judicial proceedings and trials to be held in the main building.

- Plans are underway for improvement to the existing computer system for case tracking and management.

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- Many necessary court employee positions have been restored.

- Notwithstanding severe limitations, some juvenile detention space for housing of juveniles (presently twenty beds) has been achieved with efforts to increase juvenile justice underway.

E. Indigent Defense (Public Defenders)

- Currently underway are plans to completely re-vamp the inefficient indigent (public) defense system.

- An attempt to improve communication with the other elements of criminal justice system is underway.

F. Corrections/Prisons

- After a long absence of any juvenile detention facilities, and as a direct result of a newly formed juvenile justice initiative and partnership which the U. S. Attorney's was instrumental in forging, over fifty juvenile beds will soon be available for juvenile detention , an increase from twenty beds approximately a month earlier.

- Acceleration to renovations to the prison system and the courthouse are the direct result of communications with the city and the local Director of Homeland Security, thus helping to increase the city's efficiency in moving along federally-funded renovation contracts.

G. Joint Operations Command

Immediately following the deployment of 300 National Guard Troops and 60 Louisiana State Police Troopers to New Orleans (to augment and support NOPD's efforts) in June, 2006, I called together the heads of all Federal agencies, as well as NOPD Superintendent, State Police Superintendent, and National Guard Adjutant General and Field Commander, in order to reestablish the Joint Operation Command (JOC which we successfully utilized as an operational

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control mechanism in New Orleans post-Katrina), which continues effectively operating to this date, meeting bi-weekly. As a result of bi-weekly face-to-face meetings, agencies operating in support of NOPD throughout the City of New Orleans and its environs, provide briefings, share intelligence, and deconflict investigations, in order to ensure efficient, non-conflicting operations of all law enforcement entities operating in the area.

In December 2006, Governor Blanco announced the decision to allow deployed National Guard Troops and State Police Troopers to remain (at present strength) in New Orleans through June, 2007, which reversed a reversal of a recent decision to pull those out on January 1, 2007.

H. Public Housing Initiative

The U. S. Attorney-led Public Safety Housing Initiative (PHSI), initially started and funded by $600,000 in discretionary funds which came through our USAO last year has been successful in yielding numerous State/local arrests in the high crime area on the West Bank of New Orleans where Orleans Parish (Algiers) meets Jefferson Parish (including Gretna, Westwego and Marrero). It is important to note that cooperative efforts have yielded (between May, 2006 and the end of November, 2006), the following:

- The extraordinary work of that Public Housing Safety Initiative Task Force — comprised of cross-deputized members of the New Orleans Police Department, Jefferson Parish Sheriff's Office, Gretna Police Department, and Placquemines Parish Sheriff's Office — continues to produce results. For instance, from the time of its inception, on May 10, 2006, through March 1, 2007, 832 arrests were made, within a total of 264 separate cases. 264 of those were drug related; 273 were felonies; 148 were misdemeanors.

- Seized drugs include: crack cocaine (638 grams), heroin (46 grams), and cocaine (289 grams), as well as other drugs such as marijuana, MDMA, methamphetamine, and other controlled substances.

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- Importantly, an analysis of the criminal histories of the 829 suspects which were stopped by task force members between May of 2006 and July 2006, reveal that 79 percent had previous felony arrests, with 28 of those subjects having previously been arrested for murder, some on multiple occasions. Additionally, 42 firearms were seized, 17 of which were in the possession of convicted felons. 10 juveniles were arrested with firearms, with 26 individuals arrested who were probation and/or parole violators.

- Finally, although the $400,000 portion of the $600,000 originally allocated to the PHSI Task Force has been exhausted (with $200,000 reserved for prevention), the task force continues to operate, with the 2007 PSN Grant Selection Committee having just recommended that all 2007 Anti-Gang Initiative Grant Funds go toward this already well-established task force.

- The PHSI Task Force is not limited to enforcement, however. Two community programs which focus on at-risk youths has been, in part, a product of the funding of this grant. Leveraged with funding from non-profit organizations and donations, to youth programs, Future Leap Assessment Test Takers (FLATT), and the Gulf South Summer Youth Action Corp programs were funded and supported as well.

NOPD has agreed to accept technology and assistance from the Jefferson Parish Sheriff's Office which would provide a usable defendant and case-tracking database. Elements of that system are already being installed and utilized.

I. Programs to Address Juvenile Crime

Having perceived a desperate need to address juvenile justice issues within the city, we in the U. S. Attorney's Office for the Eastern District of Louisiana brought together numerous community leaders with a stake in addressing juvenile crime, public safety, quality of life, education and crime prevention, in February, 2007. To that end, our office initiated meetings between these leaders at our office producing a dynamic and diverse group which meets to exchange ideas, plan strategies, coordinate solutions, catalog opportunities and gain ground in

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effectively addressing juvenile issues for the short, mid and long term. This extraordinary group is comprised of:

U. S. Attorney's Office
DOJ Community Capacity Development Office (CCDO)
DOJ Office of Juvenile Justice Delinquency Programs (OJJDP)
DOJ Bureau of Justice Assistance (BJA)
DEA
FBI
ATF
Gulf Coast Recovery Chairman Donald Powell and his staff
Department of Homeland Security
FEMA
Louisiana Supreme Court
Louisiana Commission on Law Enforcement
City of New Orleans
Orleans Parish District Attorney's Office
Orleans Parish Juvenile Court (Judge David Bell)
New Orleans Police and Justice Foundation
Greater New Orleans After School Program (Gina Warner)
New Orleans Recreation Department (NORD)
Jefferson Parish Recreation Department (JPRD)
Youth Empowerment Project
Catholic Archdiocese of New Orleans
Catholic Charities
University of New Orleans
Baptist Ministries
New Orleans Jewish Federation

Broad groundbreaking coordination of multi-agency and private summer and after-school activities for at-risk youth is therefore currently underway. Spearheaded by Gina Warner (of the Greater New Orleans After School Program) and Father William Maestri (of the Catholic

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Archdiocese of New Orleans), we are actively engaged in identifying youth program needs and coordinating, deconflicting, building, and seeking funding for programs provided by numerous public, private and faith-based entities, in order to provide for maximum coverage for thousands of children in the city and its environs this summer.

In fact, as part of this effort, at a press conference two weeks ago Lt. Governor Mitch Landrieu and I were in New Orleans to announce a new federal/state/local partnership that will keep our young people engaged and challenged to reduce incidents of youth violence over the summer months. Approximately 150 AmeriCorps* VISTA members are now serving with local agencies to provide enrichment programs, academic tutoring, and recreational activities for 4,000 children and youth in New Orleans as a result of an unprecedented effort of the Federal Coordinator for Gulf Coast Rebuilding, Chairman Don Powell and David Eisner, CEO of the Corporation for National and Community Service, the agency that administers AmeriCorps. The almost $1 million investment by CNCS will fund the VISTA living allowance for the summer, as well as cover their housing costs at the University of New Orleans.

J. Orleans Parish Information Sharing and Integrated System (OPISIS)

As a result of a DOJ grant of over $900,000, the New Orleans Police and Justice Foundation is helping to facilitate and build a critically needed Orleans Parish Information Sharing and Integrated System (OPISIS Project). This system project was established to build and implement an integrated information system which makes possible the collection and availability of accurate information for all elements of the local criminal justice community while maintaining appropriate security and privacy standards for various entities within that community. Governed by an executive board overseeing its planning, implementation, operation

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and management, the governing structure also includes a technical steering committee and a business process advisory committee, with the New Orleans Police and Justice Foundation serving a neutral facilitator on the board and subcommittees, and acting also as a reliable fiduciary agent for this initiative. A DOJ-sponsored technical assistance site visit was conducted in August, 2006 producing the goal of developing a comprehensive information sharing solution to provide data integration between and across Orleans Parish criminal justice agencies, which will overcome the present inability to accurately track cases in the system. These objectives include, in Phase One:

1. Establishment of an electronic subpoena system (benefitting NOPD, Sheriff, the District Attorney, clerks and courts);

2. Court tracking system to allow for better management of court dockets;

3. Electronic arrest reporting for NOPD, with the capacity to electronically submit in real time arrests reports to the DA and Criminal Sheriff;

4. Improved evidence managements systems and coordination between NOPD and the Clerk of Court;

5. General data cleaning throughout the system to maximize accuracy;

6. Identifying the functional requirements for Phase Two integrated solutions.

VI. Conclusion

In conclusion, let me say that despite our somewhat necessary reliance on statistics in measuring crime and our efforts against it, we will never reach a point at which we believe **any**

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homicides or violent crime — however reduced — are acceptable number for our city or our region.

In the near term, we must and will continue to bring any and all available resources to bear to assist New Orleans, and where appropriate to federally-charge violent and potentially violent offenders, including drug dealers. Because the vast majority of crimes being committed on the streets of New Orleans do not fall within Federal jurisdiction, it is absolutely imperative that all entities which comprise the constituent parts of the State and local criminal justice systems operate at maximum efficiency.

Stated simply, those competent, dedicated and committed public officials, elected and appointed, who serve our citizens, whether members of the judiciary, law enforcement, corrections, legal defense or other offices, must be provided with the funds, material, personnel, strategies, tactics and solutions to overcome the myriad complex challenges they face in order to operate at maximum efficiency.

Additionally, we must build not only the finest educational system for our youth and especially our poor who cannot afford parochial and private education but we must also provide them with safety and security, to permit them to avail themselves of job opportunities here and elsewhere. Those job opportunities must come through our continued zero-tolerance for corruption in all levels of government, whether law enforcement, the judiciary, legislative or executive branches. We must reverse the debilitating exodus of our bright young minds, our corporations and our businesses. We must, through establishment of public safety and building of first-rate public education, attract and hold onto diverse forms of industry including

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manufacturing, petrochemical and transportation. However, at the end of the day, we can only achieve these things if we first establish a safe environment for our people.

As I have said before on numerous occasions, the myriad and often daunting challenges facing New Orleans and the region in the wake of Katrina cannot be ignored, neglected, excused or written off as inescapable post-Katrina phenomena. Indeed, most of these challenges pre-existed Katrina by years, and were simply accelerated to critical mass by shifts, changes, and challenges in that tragic storm. In fairness, those challenges are exponentially worse now due to our damaged economy, population, and infrastructure.

However, the fact that the City of New Orleans does truly face unprecedented challenges, obstacles and outright struggles across the social, economic, and governmental spectrum, does not mean that the city is facing its own apocalypse. It is not. Nor can the advances that we are making in many areas be seen as a signal that all is well. In truth and in fact, we are in the midst of neither collapse nor redemption. We are embroiled in a long-term struggle in which a severely challenged city now must be rebuilt from the pilings up. For one of the nation's and even the world's greatest cities, failure is simply not an option. We must and will continue to fight, for only then with true commitment, integrity, vision and patience will we prevail.

I am proud and honored to be a part of what I believe to be a team of extraordinary people who demonstrate each day that we are and will remain equal to the task and the mission with which we have been entrusted.

I welcome any questions the Members of the Committee may have.

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I wish to thank the committee for this opportunity to present a community perspective regards the justice system and violent crime in New Orleans.

The New Orleans Police and Justice Foundation is a non-profit 501(c) 3 founded in the mid 1990's. Our mission is to improve the Criminal Justice System in Orleans Parish through partnerships with a special focus on the New Orleans Police Department. Today we are also representing the views of the NOLA Anti Crime Coalition, a diverse consortium of over 15 community based organizations whose fundamental goal is to make New Orleans a safer place to live, work and visit.

The Foundation was born out of community outrage in the mid 1990's over police corruption and violent crime. Prior to 2005, almost all out efforts were focused on providing business practice and philanthropic assistance to the New Orleans Police Department. Although this approach had some level of success; we came to recognize the justice system was just that "a system" in need of reform. From the $30,000 annual salaries for new prosecuting attorneys to the severe underfunding of the criminal and municipal court systems to the high level of incarceration needed by the Parish Sheriff to sustain operations the system was at best a fragile band aid on a major community injury that was slowly bleeding the city to death. With consistent annual police arrest rates of well over 100,000 in a city with a population of less than 500,000 it was becoming obvious efforts to simply "arrest our way" out of the crime problem were not working. Finger pointing was popular with judges blaming the DA, the DA blaming the police and the police expressing concern over the revolving door created by the DA and judges. A large portion of the community was disengaged, accepted the elevated levels of violence and considered the antics of system "business as usual". Other segments had grown to mistrust the police.

Hurricane Katrina washed all pretenses away and revealed the underfunded system and fragile financing structure for what they were. The storm also revealed the social ills that helped drive the crime problem, social ills that will not be fixed instantly and are shared with many other cities across America. With the return of violent crime a reenergized community identified justice system inefficiency as an issue that needed to be addressed.

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Analysis conducted by the Foundation has identified a wide variety of systemic issues that feed these insidious inefficiencies. A list so long it seems almost overwhelming. We divide the issues into three separate areas; infrastructure, human capital, and operational business practices. I would like to take the time to very briefly address each.

Infrastructure is the nuts and bolts of the system. In spite of some success we have simply failed to restore the infrastructure needed by the Justice System in Orleans Parish. NOPD Headquarters remains in FEMA trailers with no central property and evidence. The Superintendant is dealing with a third projected move-in date to their previous headquarters. Police districts operate from temporary space and in disrepair. The DA is in a third temporary location with no hard date for re-occupancy of his pre Katrina building. Baseline funding for the indigent defender program has all but disappeared due to reliance on traffic fines which are not generating revenue at pre-storm levels. The Sheriff has been forced to house offenders in tents; pre release and witness protection programs go unfunded.

Human capital keeps the system alive. Staffing is down across the board due to mandated budget cuts in budgets that were well below an acceptable level before the storm. The NOPD has lost about 400 police officers from a cadre of 1700. Recruiting has been at best difficult; attrition remains a problem. The Foundation documented over 80% of officers had significant damage to their homes. Some still remain in temporary living accommodations; others have simply left in pursuit of a return to normalcy.

There are success stories. The DA starting salaries are now in the $50,000 range and Federal grants have helped to establish a violent crime prosecution unit staffed with highly qualified attorneys in the $80,000 range. Over 500 first responders have refurbished or purchased new homes using private sector mortgage loan subsidies averaging $5,000 provided through the Foundation. Police salaries have also been increased, residency rules have been relaxed.

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In spite of these gains the facts are serious shortfalls and inequities in staffing levels remain. Critical interim hurricane recovery grants and funding that support human capital resources will soon expire with serious concern about the availability of alternative funding.

Operational business practices before Katrina were under serious scrutiny and it is now generally acknowledged the justice system was "broken". Basic police/DA communication processes were flawed; state of the art technologies and integration amongst agencies was absent, many business processes and information exchanges were seriously flawed and plagued with redundant manual data entry.

Post-Katrina, manual processes remain, but with significantly fewer support staff, thus creating long delays and inaccuracies. A joint effort with widespread participation has been started to automate business processes and information sharing to improve operational effectiveness and efficiencies. Progress has been made regards police/DA communication issues. NOPD has looked to improve operations through self examination using outside independent sources.

As I have said the task before us remains daunting and I have touched on only a few issues. I wish to thank you for this opportunity to discuss the crime issue in New Orleans.

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"Restoring Faith in the Orleans Parish Criminal Justice System"

May 2007

Orleans Parish Information Sharing and Integrated Systems Project (OPISIS) - The OPISIS Project was funded in the Fall of 2006 and is well under way. The aim of the project is to integrate the technologies of the key agencies of the justice system so that information is shared timely, accurately and securely. Police, DA, Clerk, Court, Sheriff and Public Defender are all involved in a two-tiered governance structure. Stakeholders meet regularly and are involved in important strategic planning for the justice system as a whole. Parochial perspectives and "turf" protection have been set aside and representatives from all agencies have come together to collaborate and plan for positive change that will transform business processes related to how information is shared and managed.

While technology is the linchpin of the OPISIS project, its reach is much broader and will improve the effectiveness and efficiency of the entire justice system from arrest to incarceration. The ability to automate information exchanges that are now mostly manual and involve redundant data entry will promote transparency, accountability, and efficiency. The OPISIS effort has made much progress already including repairing many of the technological capacities that were adversely affected by Katrina. Underway now is comprehensive effort to improve subpoena delivery through the procurement of an electronic subpoena solution.

Initial funding for the project in the amount of $1,000,000 was received from the Federal government in 2006. An additional $2,000,000 in funding has been requested in 2007.

NOPD Internal Affairs Reforms - New Orleans Police and Justice Foundation consultants have conducted a comprehensive procedural inspection of the NOPD Public Integrity Bureau (PIB). Key best practice recommendations for improvement are being implemented and institutionalized. These reforms have thus far been successful in streamlining operations and ensuring that investigations are timely, fair and complete. Lag time for officer discipline has been reduced to 30 days from a time frame that was often times up to a year in length. The personnel in PIB have also been refreshed with the transfer

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of several investigators and administrators. Its officers and staff are now regularly undergoing training in best practices for policing the police.

In 2006, PIB received 817 complaints, conducted 381 formal investigations and sustained 196 cases. 15 officers were arrested, 57 fired, 121 suspended and 48 resigned while under investigation. A new truthfulness standard has been adopted whereby officers determined to have lied; either by false statements or omission, in any hearing, official internal investigation or while under oath are now terminated. Also, stings and integrity checks are being routinely utilized to ensure a proactive approach to police integrity management.

The consultants have also supported improved presentations to the Disciplinary Review Committee of the Civil Service Commission. This has resulted in an improved rate of sustaining NOPD allegations and disciplinary actions. Support has in addition included the education of New Orleans City Attorneys assigned to the Civil Service review/appeal process.

Functional Crime Lab and Testing Backlog - A new space for the NOPD Crime Lab has been secured at the UNO Research Park with NOPJF assistance and mediation. Once build-out is complete, the lab will be a state-of-the-art crime lab that includes ample office space and wet lab areas including DNA, Toxicology, Serology, Forensic Light Unit Analysis, and Ballistics.

In addition, funding has been secured through the Foundation to hire experienced criminalists on a contractual basis to assist NOPD Crime Lab personnel in conducting ballistic and drug examinations to reduce the backlog of cases that have mounted in the absence of a crime lab. Contractors have been hired and are currently working with NOPD. It is anticipated that with the new lab and the extra help, the backlog will be eliminated within the next three to five months.

Improved NOPD/DA Communication – With NOPJF participation, the Superintendent of Police and District Attorney have created and begun the implementation of a 10 point plan to improve cooperation and communication between police and prosecutors in the arrest to trail process. This plan, once institutionalized, will greatly improve the investigation and case prosecution process resulting in more convictions of violent offenders. Key elements of this new strategic agreement include

- Expediting the screening of the most violent crime cases (armed robbery, carjacking, attempted murder and aggravated battery)
- Mandating one-one-one meetings with investigating officers and screening attorneys within 72 hours of an arrest
- Mandating motion and pre-trial conferences between investigating officers and trial attorneys
- Instituting a "duty DA" system to provide officers with 24/7 legal consultation
- Instituting joint training to implement the new processes and offer refresher courses on key skill sets

Plan to Reduce/Eliminate 701 Releases - Article 701 of the Louisiana Criminal Code provides law enforcement and prosecutors 60 days to hold someone in custody for a felony offense before filing charges. In the last couple of years, many

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offenders have been released from custody in Orleans Parish because police and prosecutors failed to meet the 60 day deadline.

In order to reduce the number of 701 releases, the DA and Superintendent with NOPJF participation have agreed to end the practice of finger pointing and equivocation and instead cooperate and collaborate to improve the arrest to charging process. They have initiated new procedures to improve communications at the screening level. The DA is now sending to NOPD a daily list of cases for which no police reports have been received and the 701 deadline is approaching, the DA's office has also established a direct contact with the crime lab director to prioritize certain cases for lab testing, and the NOPD is now conducting field drug tests of narcotics for which the DA will use the results of the field drug test as a basis for filing charges. All of these new procedures should dramatically cut down on the number of 701 releases. For those cases that have already resulted in a 701 release, the NOPD are closely reexamining these to determine if charges can be filed.

This plan also takes into account the injustice of holding an individual for 60 days and releasing them without filing charges. A practice that can embitter individuals who feel they have been falsely charged. Such attitudes reduce faith and confidence in the justice system.

Enhanced Community Policing – NOPJF put together a consortium of private funding groups to hire Dr. Lee Brown and the Brown Group Incorporated to assist the NOPD Police Superintendant. A complete post Katrina management assessment and systems analysis is a part of the project. It is hoped the report will allow NOPD management to operate more efficiently with improved community relations. Implementation is included in the project. The project has two primary goals:

- Implement community policing in those systemic areas where it is lacking
- Create the ability to leverage an NOPD agency wide system assessment into additional desired operational changes

It is also the strategic goal of the project to restore faith in the NOPD with certain segments of the population by enhancing community policing efforts. After the BGI Assessment is delivered in May of 2007 the implementation process will begin.

Mortgage Subsidy Program – NOPJF has distributed over $2,500,000 in private funds directly to Orleans Parish first responders since February of 2006 as a part of its mortgage subsidy program. Over 450 loans totaling an estimated $63,000,000 in reinvestment capital has been generated by the program.

The program was initiated to cover police, fire and EMS personnel with the hope if they bought a home they would stay. NOPJF overhead costs for this program were below 4% which means over 96% of all the funds raised went directly to the recipients.

Increased Salaries – Better pay throughout the justice system in Orleans Parish has always been an NOPJF priority. Higher salaries have recently been secured for both police and prosecutors in Orleans Parish making their pay more comparable to other police and district attorney salaries in the region. Prosecutors have gone from a $30,000 starting salary to a 2007 base $50,000 starting salary with increased funding from both the State and the City. Police salaries were increased by 10% across the board in September 2006 and another

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significant raise is being planned for the summer of 2007. These salary increases will make New Orleans more competitive in attracting new candidates and will greatly assist in retaining the experienced and developed employees that currently serve New Orleans.

Evidence Collection, Storage, and Tracking – NOPJF is facilitating a strategic working group made up of representatives from the Clerk's Office, Criminal Court, DA, NOPD, and the Community. The group has been formed to institute a system of best practices in evidence preservation, storage, cataloguing and management within the Orleans Parish criminal justice system. The strategic working group will conduct site visits of model evidence storage facilities and receive training by certified specialists in evidence handling, storage and maintenance. A new Policy and Procedures Manual for Orleans Parish Clerk's Office Evidence Room will be codified.

Private funding for this project has been obtained through Baptist Community Ministries with NOPJF as the fiduciary agent. This strategic working group is also collaborating with the OPISIS technology working group to identify and procure an integrated evidence management and tracking technology solution for the criminal justice system so that all evidence can be tracked electronically.

Enhanced Community/Civic Involvement – Groups like Citizen's for One New Orleans, Common Good and Silence is Violence have become a constant presence and are working to ensure that reforms are kept on track and that justice stakeholders are held accountable. NOPJF has developed partnerships with a number of these local citizen organizations to help drive reforms in the Orleans Parish Justice System.

Equally important, these groups are lobbying our Congressional and State delegations for much needed financial assistance to adequately staff and outfit our criminal justice system so that justice practitioners have the resources they need to do their jobs. A Coalition of over 15 civic organizations including the New Orleans Business Council with NOPJF support recently lobbied Congress for $6.2 million in emergency funding for critical criminal justice needs as communicated by Chief Riley, Mr. Jordan and Sheriff Gusman. If the funds are received NOPJF will act as the fiduciary agent on behalf of the consortium.

NOPD Recruiting – Recognizing recruiting and retention were critical issues on the horizon; in the spring and summer of 2006 the NOPJF developed a two phased recruiting plan in conjunction with NOPD. It was also recognized the following "essentials must be in place for recruiting to be successful:

- Viable Civil Service System
- Compacted Candidate Processing
- Targeted Incentives
- Ability to Market

Due to the limited resources availability in 2006 and the urgency of the situation it was decided a phased marketing process be implemented. The first phase ended in April of 2007 and included a radio, print add and billboard campaign at a cost of $100,000 ($200,000 value). The initial program required NOPD and NOPJF web sites to be modified and up to date as portals for the effort. NOPJF funds were also dedicated to incentive bonuses since

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the city cannot legally pay bonuses. NOPJF also staffed and maintained a "recruiting hotline" as a part of the effort to speed up initial screening processes.

The second phase of the marketing program has not been implemented. It will build on the first and include a wider media audience. A positive image representation of New Orleans and the New Orleans tourism industry will be an inherent element. Multiple funding sources will need to participate including the city, the tourism industry and significant private funding. It is anticipated the bottom line for this effort will exceed $1,200,000.

General Justice System Support – In addition over the past several months the New Orleans Police and Justice Foundation has:

- Passed through at no charge over $500,000 in private donations for the purchase of bullet proof vests, winter jackets and other equipment for NOPD Officers
- Managed the NOPD Tragedy Fund as fiduciary agent
- Facilitated the Dr. Phil distribution of funds to Orleans Parish First Responders as the fiduciary agent at no cost
- Distributed over $1,000,000 in Federal grant funding to the justice system on behalf of US Attorney Jim Letten as his fiduciary agent
- Conducted the Cops for Kids NOPD Summer Camp with private donations at no cost to NOPD
- Funded a variety of baseline technology initiates for the sheriff, court, DA and clerk to restore computer systems damaged by Hurricane Katrina
- Supplied funding for NOPD public relations support
- Agreed to act as the fiduciary agent at no charge for the pass through of private party surveillance camera funding on behalf of the City of New Orleans
- Sponsored and financially supported a wide variety of NOPD training activities
- Continued the subsidy of college tuition costs to NOPD personnel
- Supported a variety of private consultants and contractors to assist the Orleans Parish Justice System with specific targeted needs using private funds

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For release: February 19, 2007

Strategic Initiatives to Fight
War on Career and Violent Criminals

I. Applaud and Support the introduction of the following new resources to fight the war on career and violent criminals:

1. Deployment of Agents and resources from FBI and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and DEA; Thanks to US Attorney General Alberto Gonzales and US Attorney, Jim Letten, Jim Bernazzani for infusing NOPD with substantial federal resources to support the NOPD, focusing on the worst offenders and snagging as many as possible into the federal court system.
2. US Marshals Service witness protection resources and Dept of Justice victim assistance specialists Thanks to Senator David Vitter and the US Department of Justice, this key to effective prosecution will soon be employed. Victims will be counseled. This is the first step toward having the protection of witnesses of violent crimes.
3. Establishment of a federally funded crime lab. New Orleans has been without a crime lab for over 18 months. Within 60 days, we will have a federally funded crime lab fully staffed and up and operating at UNO. This is a huge step in effective prosecution. We applaud efforts of the many dedicated professional it took to lay this path forward.
4. New Community Policing Program Civic organizations at the request of the Police Chief Riley have engaged Lee Brown and his team to support the community policing program already initiated by Chief Riley. Lee Brown and his team are well underway in their efforts to assist NOPD with additional effective strategies for the war on violent and repeat offenders in our community. We applaud the Chief Riley for bringing in Lee Brown's group and instituting Community Policing.

In addition to earlier initiatives below that are still helpful and ongoing, namely:

5. Video Surveillance installed in crime hotspots.
6. Deployment of the National Guard and State Troupers,

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We encourage full implementation of these initiatives. We will take a primary position evaluating, measuring effectiveness and reporting that effectiveness in the months ahead

II. We call for more to be urgently implemented.

Career Criminal Bureau- We support initial efforts to establish a specialized prosecution division that focuses on violent criminals within the DA's office, we assess this effort as insufficient to the magnitude of the problem. In order to effectively and successfully prosecute career and violent offenders, a minimum of eight years of trial experience is required for these specialized prosecutors. Further, a minimum of six prosecutors is needed. We call for the City Council and mayor to fund six career criminal prosecutor positions at $80,000 each: Six prosecutors with a minimum of eight years of trial experience each. We call for the DA to implement this plan with a sense of urgency and implore him to seek out and hire the best candidates. We opine this is the optimum way to fortify the criminal prosecution resources of the District Attorney's Office and focus that expertise on the conviction of career and violent criminals.

The Career Criminal Bureau (CCB) is not new: the former Career Criminal Bureau was very successful in prosecuting the city's worst criminals in the 1970's and early 80's. We call for the Police Superintendent to partner with the DA and assign experienced investigators to screen and identify career criminals by established criteria. CCB to build cases against and prosecute the career and violent criminals. Arresting officers would be able to call on the expertise of seasoned lawyers when apprehending these individuals to assist police in collecting evidence and investigating crime scenes. Charges would be screened by the CCB attorney that assisted during the investigation, as he or she is assigned to the case from the date of the arrest. The career criminal would be prosecuted and incarcerated for the maximum periods permitted by law for the charged crimes.

We call upon the City Council to move quickly to fund this.

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District Attorney "Community" Prosecutor Unit – We call upon elected leadership to provide the funding to hire 8 additional Orleans Parish prosecutors to be assigned to the police districts to improve communication with NOPD. These prosecutors will be assigned to work one of the eight police districts and will be permanently housed in those districts. District prosecutors will assist officers with preparing reports, making quality cases and will provide one-on-one mentoring to police officers in the district. These prosecutors will preliminarily screen the cases of that district before forwarding them on to the District Attorney's Office. Having district prosecutors will facilitate continuous on the job training for officers in how to build better cases for prosecution. District prosecutors will adjust their work schedules to ensure that they are available to meet with officers serving on each platoon in the district. In addition to district assignments, these prosecutors will also be assigned to work with various NOPD specialized units. The end result is improved communication between NOPD and OPDA, better cases for trial and increases in convictions. We have received a pledge of support from Senator Mary Landrieu and hope to see this funded and implemented shortly.-{make sure it is ok with Landrieu to say this}

District Attorney-NOPD Communications- Immediately revise current policy to open direct and timely verbal communication between our District Attorney's office with the NOPD which will enable more effective handling of investigations, case development, trials and convictions. We demand effective teamwork in the war on crime. We refer to the District Attorney website and plan entitled, Toward a Fully Integrated Criminal Justice System, dated May 19, 2005, signed by the Hon. Eddie J. Jordan Jr. and demand the he implement his plan.

50 More Boots on the Ground -For immediate relief, Police & Justice Foundation will work with the NOPD to engage 50 retired police officers on a contract basis to relieve the force of administrative duties and so that more officers will be free to patrol and protect. We have received a pledge of support from Senator Mary Landrieu and hope to see this funded and implemented in 60 days. .-{make sure it is ok with Landrieu to say this}

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Integrated Justice Information System - Support development of Orleans Parish Information Sharing and Integrated Systems project (OPISIS) between the following participating agencies: New Orleans Police Department, Orleans Criminal Sheriff, Orleans Clerk of Criminal Court, Orleans Criminal District Court, Orleans District Attorney, Orleans Indigent Defender, City of New Orleans and the New Orleans Police and Justice Foundation. The goal of project is to enhance the efficiency and effectiveness of system-wide criminal justice operations by increasing information sharing across agencies, streamlining business processes and promoting transparency and accountability. The OPISIS project is in Phase 1 of development. Much progress has been made in linking these agencies to deliver information more efficiently and effectively. All agencies are actively participating in OPISIS Governance and planning. Key development areas currently underway include creating electronic subpoena service capacities, instituting shared evidence management and tracking, and identifying the most vital information exchanges that need to be automated. It is important that this project continues to receive the support and funding it needs so that the positive momentum continues, as all Orleans Parish criminal justice agencies are benefiting from these efforts. Funding to fully develop the system and initiate deployment over the next 24 months. We have received a pledge of support from Senator Mary Landrieu and hope to see this funding secured in 60 days. .-{make sure it is ok with Landrieu to say this}

Court Watch Program- We are happy to announce that Metropolitan Crime Commission has partnered with Citizens For 1 Greater New Orleans and other civic organizations to train volunteers to technologically track crimes through the criminal justice system from arrest through trial and incarceration or release. The focus is transparency and the measurement of performance.

Prison Pre Release Program - Orleans Parish has made a high number of arrests per capita in recent years. These arrests have created a higher than average jail population. Post Katrina there has been minimal triage and assessment of those subjects being

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released from jail back into the community. This gap in services has made it more likely that subjects will return to jail subsequent to their release. Post Katrina economic resources in Orleans Parish have also made it difficult to develop such a program and to even reinstate lesser versions that did exist prior to the storm. We have received a pledge of support from Senator Mary Landrieu and hope to see this funded and implemented in 60 days. .-{make sure it is ok with Landrieu to say this}

III. Medium to Long Range Initiatives that we will work to see funded and implemented:

Video Surveillance- Complete installation of extensive video surveillance program with state-of-the-art wireless remote cameras strategically located in high crime areas. Install video surveillance in all police patrol cars to enhance law enforcement and transparency and trust with the public. Develop timeline for full implementation.

Retention, Training and Recruitment - Provide regional police training and professional development for our police force. Support establishment of a regional facility. We also call for the review of compensation and career development plans for seasoned police officers so that New Orleans may retain our experienced officers long-term.

Restore Criminal Justice Facilities – Support City Of New Orleans' efforts to secure federal funds to restore the district police stations and district attorney's office buildings.

Regionalize War on Crime- Good Progress has been made on sharing crime intelligence regionally. We call for more progress. We support regional efforts to address police training, intelligence sharing, and forensic investigations.

Drug Rehabilitation Program- Secure facility to treat and rehabilitate addicted users. Free state block grant funds ear-marked for this purpose.

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We the members of the Business Council of New Orleans, Common Good, Citizens For 1 Greater New Orleans, Metropolitan Crime Commission, New Orleans New Orleans Police & Justice Foundation, New Orleans Regional Black Chamber of Commerce, Metropolitan Convention & Visitors Bureau and the Jefferson Business pledge to monitor elected and appointed officials and hold them accountable. We will publish the results of court watch endeavors and monitor funds appropriated for initiatives dealing with initiatives in the immediate action initiatives. We insist on performance and will illuminate failures to perform.

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Common Good
Financial Recommendations
Total Cost - $6.32 million

1. **Contractor Support for NOPD - $1.83 Million** The New Orleans Police Department is currently undergoing a continuing reduction in force that is affecting the ability of NOPD to properly police the city. Attrition rates are anticipated to continue to be about 15 officers per month over the next 12 months or 180 for the year. With current total officer strength at about 1400 (including about 40 recruits and 110 on sick leave) the real active force strength is about 1250 officers, a number well below the authorized strength of 1600. In short, staffing has already reached a critical point.

   At this time recruiting efforts are gearing up to expand the force, but those efforts to date have not had an impact due to the time it takes to put a recruit on the street from the date of entry into the academy (about 130 days). It is hoped recruiting efforts will begin to supply over 200 officers per year to the street in the very near future. It is also anticipated and hoped attrition will fall to less than 110 officers per year, the pre Katrina average.

   To help address the immediate shortage of officers until recruiting can gear up, the following is recommended:

   - Through the New Orleans Police and Justice Foundation (NOPJF) 50 former NOPD officers be retained as private contractors to fill support positions within NOPD that would normally be occupied by officers.
   - These former officers will be hired as contract personnel working for NOPD under their guidance and compensated through the NOPJF as the contractor.
   - Compensation rates will be $150 per day for a term of one year with the ability to individually terminate contracts as deemed appropriate by NOPJF.
   - NOPJF will receive a flat fee of $30,000 to administer the program for one year.
   - Total cost of the one year contract is $1.83 million.

2. **District Attorney "Community" Prosecutor Unit - $960,000** Provide the funding to hire 8 additional Orleans Parish prosecutors to be assigned to the police districts to improve communication with NOPD. These prosecutors will be assigned to work one of the eight police districts and will be permanently housed in those districts. District prosecutors will assist officers with preparing reports, making quality cases and will provide one-on-one mentoring to police officers in the district. These prosecutors will preliminarily screen the cases of that district

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before forwarding them on to the District Attorney's Office. Having district prosecutors will facilitate continuous on the job training for officers in how to build better cases for prosecution. District prosecutors will adjust their work schedules to ensure that they are available to meet with officers serving on each platoon in the district. In addition to district assignments, these prosecutors will also be assigned to work with various NOPD specialized units. The end result is improved communication between NOPD and OPDA, better cases for trial and increases in convictions. Eight (8) District Prosecutors @ $50,000 for two years plus benefits (20%) = $960,000.

3. **Integrated Justice Information System - $2 Million** Support development of Orleans Parish Information Sharing and Integrated Systems project (OPISIS) between the following participating agencies: New Orleans Police Department, Orleans Criminal Sheriff, Orleans Clerk of Criminal Court, Orleans Criminal District Court, Orleans District Attorney, Orleans Indigent Defender, City of New Orleans and the New Orleans Police and Justice Foundation. The goal of project is to enhance the efficiency and effectiveness of system-wide criminal justice operations by increasing information sharing across agencies, streamlining business processes and promoting transparency and accountability.

   The OPISIS project is in Phase 1 of development. Much progress has been made in linking these agencies to deliver information more efficiently and effectively. All agencies are actively participating in OPISIS Governance and planning. Key development areas currently underway include creating electronic subpoena service capacities, instituting shared evidence management and tracking, and identifying the most vital information exchanges that need to be automated. It is important that this project continues to receive the support and funding it needs so that the positive momentum continues, as all Orleans Parish criminal justice agencies are benefiting from these efforts. Funding to fully develop the system and initiate deployment over the next 24 months is $2 million.

4. **Prison Pre Release Program - $600,000** Orleans Parish has made a high number of arrests per capita in recent years. These arrests have created a higher than average jail population. Post Katrina there has been minimal triage and assessment of those subjects being released from jail back into the community. This gap in services has made it more likely that subjects will return to jail subsequent to their release. Post Katrina economic resources in Orleans Parish have also made it difficult to develop such a program and to even reinstate lesser versions that did exist prior to the storm. Assessments of prisoners leaving the jail for the community will also document the need for services, i.e. drug rehab, mental health, alcohol abuse. Funding for two years is $600,000.

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5. **Orleans Parish Witness Protection Program - $480,000** A fully funded viable witness protection program that will offer voluntary temporary relocation services to witnesses that choose to take advantage of the program. This program will be reserved for the most serious crimes where imminent danger to the well being of the witness is apparent. It will be staffed from existing NOPD, DA and OPSO personnel and require oversight by a Witness Protection Board drawn from members of the criminal justice system. It will be established in consultation with the U.S. Marshall's Service. Funding on a trial basis for two years $480,000 ($20,000 per month, no personnel costs).

6. **Professional Development and Regionalized Training – $450,000** This program will provide regional police training and professional development to the police officers and Sheriff Deputies in the five Parish SE Louisiana area of Orleans, Jefferson, St. Tammany, St. Bernard and Plaquemines with special emphasis on Orleans, St. Bernard and Plaquemines. The five Parish area of Southeastern Louisiana received significant damage during Hurricane Katrina. Economic redevelopment has been uneven and governmental revenues have also been uneven. The ability to sustain professional development and training specific to operational needs has been reduced to almost zero in many instances due to the resulting budget shortfalls.

   The creation of regional training efforts specific to the needs of the most damaged areas is a positive step that will help benefit crime fighting that now stretches across jurisdictional lines. Including the five Parish area whenever possible in this development and training partnership will also promote economies of scale and better cross jurisdictional cooperation.

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