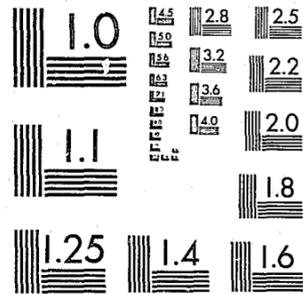


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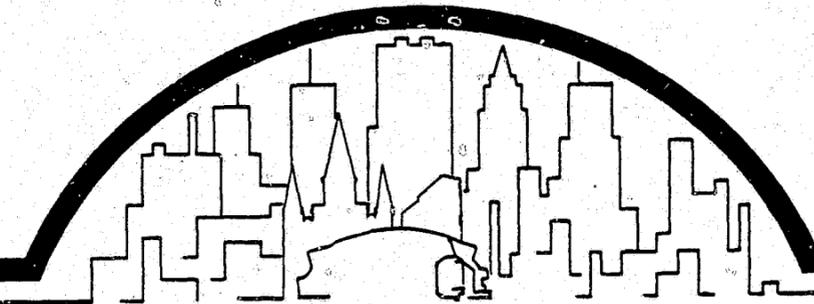
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*City of New Orleans*  
The Office of Criminal  
Justice Coordination

**A SYSTEMIC VIEW OF JAIL POPULATION  
FACTORS IN ORLEANS PARISH: AN INITIAL DESCRIPTION**

STUART P. CARROLL, Deputy Assistant for Criminal Justice  
ALISON C. RICHARDS, Special Projects Coordinator

91359

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

✓  
A SYSTEMIC VIEW OF JAIL POPULATION FACTORS  
IN ORLEANS PARISH: AN INITIAL DESCRIPTION

91359

PREPARED BY  
THE OFFICE OF CRIMINAL JUSTICE COORDINATION  
NEW ORLEANS, LOUISIANA

JUNE, 1983

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PREFACE

This preliminary study of factors relating to the Orleans Parish prison population examines trend data on arrests, prosecutions, appeals and incarcerations. This descriptive report is limited in terms of completeness of prosecution, sentencing and incarceration trends but compiles reliable arrest and appeal data. Although non-prescriptive, this report develops a descriptive baseline for subsequent studies.

Since the data were collected for this report, the prison population has continued to increase. During the first few months of 1983 the average daily population exceeded 2,700, and in June the population exceeded 3,000, requiring the construction of temporary shelters for inmates.

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SEP 25

ACQUISITIONS

I  
INTRODUCTION

The adequacy of local prison facilities has been of concern in Orleans Parish since the 1960's. A suit filed in 1969 (Hamilton et al vs. Schiro et al) resulted in a Federal Court order calling for improvements in security, sanitation, and inmate services, as well as a reduction in jail overcrowding. Since November, 1972, substantial improvements were undertaken by the City Administration, the City Council, and the Orleans Parish Criminal Sheriff's Office (OPCSO) in response to the court order. An increase in the OPCSO's budget and the acquisition of federal funds accounted for various improvements in the Orleans Parish Prison system which included the introduction of programs in rehabilitation, restitution, work release, prison officer training, substance dependency, women's pre-release/work release, vocational-technical training, medical treatment, nutrition, and sports. There were also renovations to the old Parish Prison, construction of the medium security Community Correctional Center and the acquisition of several satellite facilities - among them, the Thalia Street Fire Station, Broad Street Fire Station, Fisk School, and the Conchetta Motel. Land has also been acquired for construction of new correctional facilities. The prison population issue has remained under the jurisdiction of the Federal District Courts. There has recently been a resurgence of concern over possible overcrowding in the Orleans Parish Prison system and the issue is now under the jurisdiction of the United States District Court, Middle District of Louisiana.

It should be noted that with judicial intervention, jail overcrowding has emerged as a relative concept dictated by the population ceilings in effect at a given time. The 1972 court order of Judge Herbert Christenberry mandated that after March 1, 1975, the population of Orleans Parish Prison would be limited to 100 inmates incarcerated for admission and orientation only and the Community Correctional Center would house a maximum of 450 inmates at any one time. In September, 1982, Judge Frank Polozola ordered

that the maximum capacity of Orleans Parish Prison would be 831 inmates and the ceiling for the Community Correctional Center would be 944, with similar limits for the House of Detention and the various satellite facilities. While these judgements have affected the view of jail overcrowding, the fact that the inmate population has reportedly increased by approximately 200 to 300 per year since 1973 remains and a continuation of this rate of increase is expected to result in an actual overcrowding problem by any standards by 1984. This report will, therefore, review trends in inmate population compared to those in other spheres of the criminal justice system in an effort to detect any inclination toward an overcrowding problem, as well as any potential causal factors that might be addressed to check an overcrowding trend.

This report is the first of a series of reviews, with subsequent reports offering substantive and procedural recommendations. The accuracy and completeness of any descriptive effort depends upon the cooperation of all affected parties. Without access to information and a continuing dialogue, reports of this nature cannot adequately assist in the policy formulation process.

This report seeks to identify major sources of the inmate population in Orleans Parish correctional facilities and to document trends in the growth or reduction of the inmate population that might result from those sources. Information has been compiled on trends in reported offenses, arrests, prosecutions, convictions, sentencing, appeals and prison population. In the midst of concern about the issue of jail overcrowding in Orleans Parish and the limited resources available to address the problem, the following data are presented as a resource for use in assessing the causes of and potential responses to the increasing jail population. A review of trend information might reveal areas in the criminal justice system where modifications in procedures could reduce the number of inmates housed in local correctional facilities. Data on the level of usage of the Parish's correctional facilities might also reflect the potential for maximizing existing jail space.

This project was originally intended to assemble the most suitable data available on arrests, prosecution, appeals and incarceration from all local criminal justice agencies in order to provide a thorough analysis of trends in the system that affect inmate population levels. Data on arrests and appeals are compilations based on NOPD Uniform Crime Reports and Criminal District Court Docket Masters. Prosecution and incarceration information were provided by the offices of the District Attorney and the Orleans Parish Criminal Sheriff. The absence of yearly totals in prosecution data and average daily inmate populations detracted somewhat from the reliability of the analysis. While the information provided does support the analyses and conclusions presented herein, additional data routinely collected by the OPCS and the District Attorney's Office is required to definitively substantiate or negate these findings. These problems are evident in certain sections of the report, yet, the report does contain reliable trend analyses on arrests and appeals data, as well as preliminary assessments of prosecution and incarceration activities. To the extent possible, the report reflects the impact of all of these variables on the inmate population. Moreover, the report documents those gaps in the data that must be filled to complete a thorough analysis of the jail overcrowding problem. It is imperative that all local criminal justice agencies cooperate in retrieving data which they routinely collect and that they provide such in a suitable form for use in a reliable study of the causes and potential solutions to the increasing inmate population in Orleans Parish.

Questions as to the public safety, the constitutional rights of accused and convicted persons, the scope of State responsibility in terms of incarceration, costs of litigation, the need for necessary and appropriate facilities, the impact of the Fourth Circuit Court of Appeals, and the impact of multiple offender and mandatory sentencing laws should be of major concern to political leaders and the general public and will be addressed in this continuing series of reports. This first report establishes a tentative baseline and reports on previously uncompiled data on the appellate process.

II  
SUMMARY

According to the court order on jails and prisons currently in effect in Louisiana, the Orleans Parish Prison system is populated within its court ordered maximum capacities; therefore, except for seasonal peak periods, jails in Orleans Parish are not overcrowded at present.\* The findings in this report, however, imply a potential for a jail overcrowding problem in the near future. Arrests, prosecutions and appeals have been increasing only gradually in recent years, yet, the inmate population is noted to have increased by an estimated 200 to 300 each year. While there is no apparent direct correlation between these variables and inmate population levels, it could reasonably be expected that jail facilities will soon reach their capacities with the population steadily increasing each year and even the gradual increase in arrests, convictions and appeals could exacerbate an overcrowding problem at that time. Subsequent reports will attempt to deal with convicted offender characteristics, maximum sentence limitations for Parish Prison, utilization of probation and parole, and the transferability of prisoners to the State Department of Corrections.

Arrests

Data on offenses reported and arrests do not reflect a direct correlation between these variables and the steady increasing trend in the Orleans Parish inmate population. Reported major offenses increased sharply between 1976 and 1980 with a decline in 1981, yet, offenses cleared by arrest remained relatively stable and clearance rates dropped slightly. Between 1975 and 1981 arrests on major index offenses have remained rather stable.

The levels of major offenses reported and major index arrests, which have remained stable in recent years, cannot be viewed as causes of the rising trend in the local prison population. If the Orleans Parish Prison population continues to increase at a steady rate of approximately 200 to 300 inmates per year, however, even stable arrest rates can be expected to aggravate a jail overcrowding situation in coming years. Meanwhile, causes of the

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\* See note on page i for 1983 update

increasing trend in the inmate population must be sought in other elements of the criminal justice process, such as conviction and incarceration rates.

#### Prosecution

Prosecution data suggests an increasing trend in the caseload handled by the District Attorney's Office. Between 1978 and 1982 charges filed in Criminal District Court increased 23%. This increase, coupled with a conviction rate that has remained constant at approximately 95% in recent years, apparently bears some correlation to the rising trend in the Orleans Parish Prison population. Moreover, it can be conjectured that a continued increase in charges filed, accompanied by the 95% conviction rate and stable incarceration rates at current levels, would contribute, in part, to an overcrowding problem in the near future.

Obviously, there is additional information relevant to prosecution activities which is essential in order to further substantiate these preliminary conclusions. Figures on the number of cases accepted for prosecution, charges filed, convictions and sentences were provided in the form of cumulative totals for this report, but a reliable study must be based on data that is conducive to yearly comparisons.

#### Appeals

Appeals to the Louisiana Supreme Court can directly affect the Orleans Parish Prison population. Available data, however, do not reflect any significant increases in appeals filed or defendants detained in Orleans Parish Prison that would parallel increases in the inmate population in recent years.

Approximately 83% of Orleans Parish defendants who appeal criminal cases to the Louisiana Supreme Court are held in Parish Prison to await a ruling on their appeals. In most cases, the defendant is determined by the Court to be ineligible for bond or when bond is set, he is unable to post it. Defendants awaiting writs or appeals comprise an average 11.4% of the Orleans Parish inmate population at any given time. The average length of time served in OPP pending appeal is 12 months.

A significant increase in the number of appeals filed in the State Supreme Court would be expected to affect the inmate population accordingly.

During 1977 to 1980, the number of appeals filed remained within a stable range. These yearly totals reflect the appeals which resulted from Criminal District Court trials begun in each of those years. The 1981 figure does not include all appeals which may yet result from cases tried that year; therefore, 1981 is excluded from any trend analysis. According to data made available for this study, inmates held in OPP awaiting writs or appeals also remained within a fairly constant range from 1978 to 1982. This data does not truly lend itself to yearly comparisons or trend analysis since the figures are only provided for one day of each year; yet, at the very least, it suggests that this segment of the inmate population has remained stable enough to contribute to a maintenance of recent trends, if not the actual increases in the total jail population.

#### Incarceration

Figures on the local inmate population were provided by the Orleans Parish Criminal Sheriff's Office in the form of totals for a single date - June 1 - in 1978, 1979, 1980, 1981 and 1982. While these data are less desirable than average daily populations for each year, it does imply a yearly increase in the Orleans Parish inmate population from 1978 to 1981 with a slight decrease of only 2% between June 1, 1981 and June 1, 1982. Increases previously noted in prosecutions and convictions are supported and reflected, to some extent, in the incarceration data. More significantly, the figures apparently substantiate the suspected increase of 200 to 300 inmates per year from 1978 to 1981.

The current court ordered maximum capacity allows for a combined total of 3,147 inmates to be housed in the Orleans Parish Prison, Community Correctional Center and four satellite facilities. Available data indicate that the current populations of these facilities are within the court ordered ceilings. It has been projected that a continued increasing trend of 200 to 300 inmates per year will result in an Orleans Parish jail population totaling 4,000 by 1984, which will exceed the current capacity by approximately 850. Further, inmates housed in minimum security satellite facilities

currently comprise only about 7% of the inmate population. It is projected, therefore, that by 1984, the medium security population, which is ineligible for satellite facilities, will total approximately 3,700, or 1,100 more than the combined capacity of existing medium security facilities.

### III FINDINGS

#### Arrests

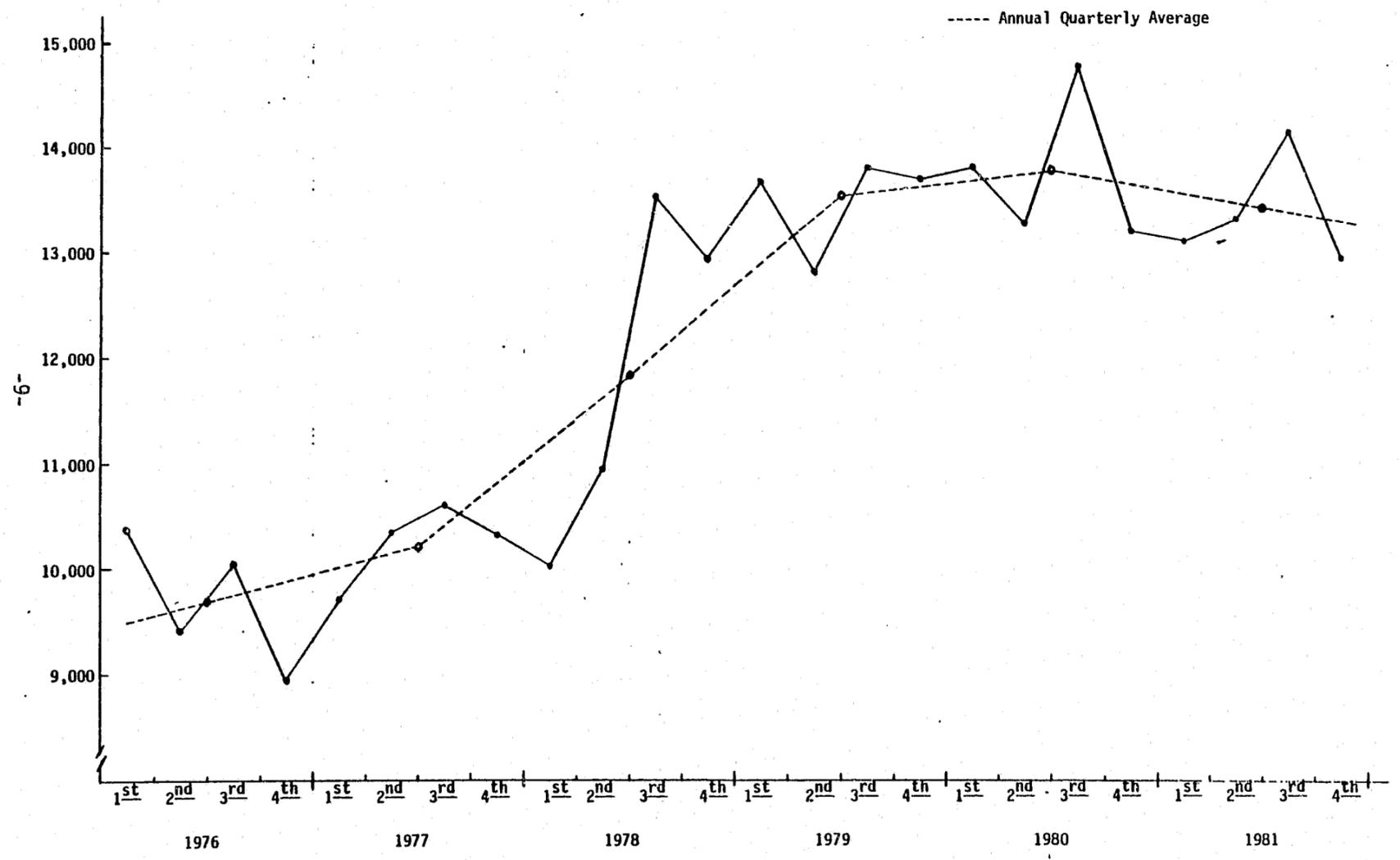
The point of arrest marks an individual's entry into the criminal justice system. It might be expected that a significant increase in arrests would be reflected in a corresponding increase in the inmate population. A review of arrest data is in order to determine whether the increasing jail population in recent years is attributable, to some extent, to an increase in arrests.

Table 1 depicts reported major offenses which increased overall between 1976 and 1981. These figures are not necessarily indicative of increased criminal activity during that period. The levels of reported offenses are more likely attributed to improved reporting techniques and increased reporting due to changes in citizens' perceptions of crime with the advent of programs like Neighborhood Watch and New Orleans Neighborhood Police Anti-Crime Councils. Moreover, the level of reported offenses does not directly influence the inmate population since the number of offenses does not reflect actual involvement in the criminal justice system.

Offenses cleared by arrest, as indicated in Table 2, have remained relatively stable between 1976 and 1980 with a slight declining trend between 1980 and 1981. With an increase in overall offenses reported and a more stable trend in clearances, the clearance rate per 100 reported offenses has steadily declined between 1976 and 1981.

Table 5 shows that with some peaks reached during 1976 and 1977, the various categories of arrests have remained within a fairly constant range between 1975 and 1981. Since arrest levels and offenses cleared by arrest have not increased significantly over the last six years, it appears that these variables bear no causal relationship to recent trends in the inmate population in the Orleans Parish Prison system.

TABLE 1  
 TOTAL MAJOR OFFENSES\* BY QUARTER  
 1976-1981



\*Different from Index Offenses in that simple assaults are included.

TABLE 2

CLEARANCES OF MAJOR OFFENSES, BY QUARTER

1976-1981

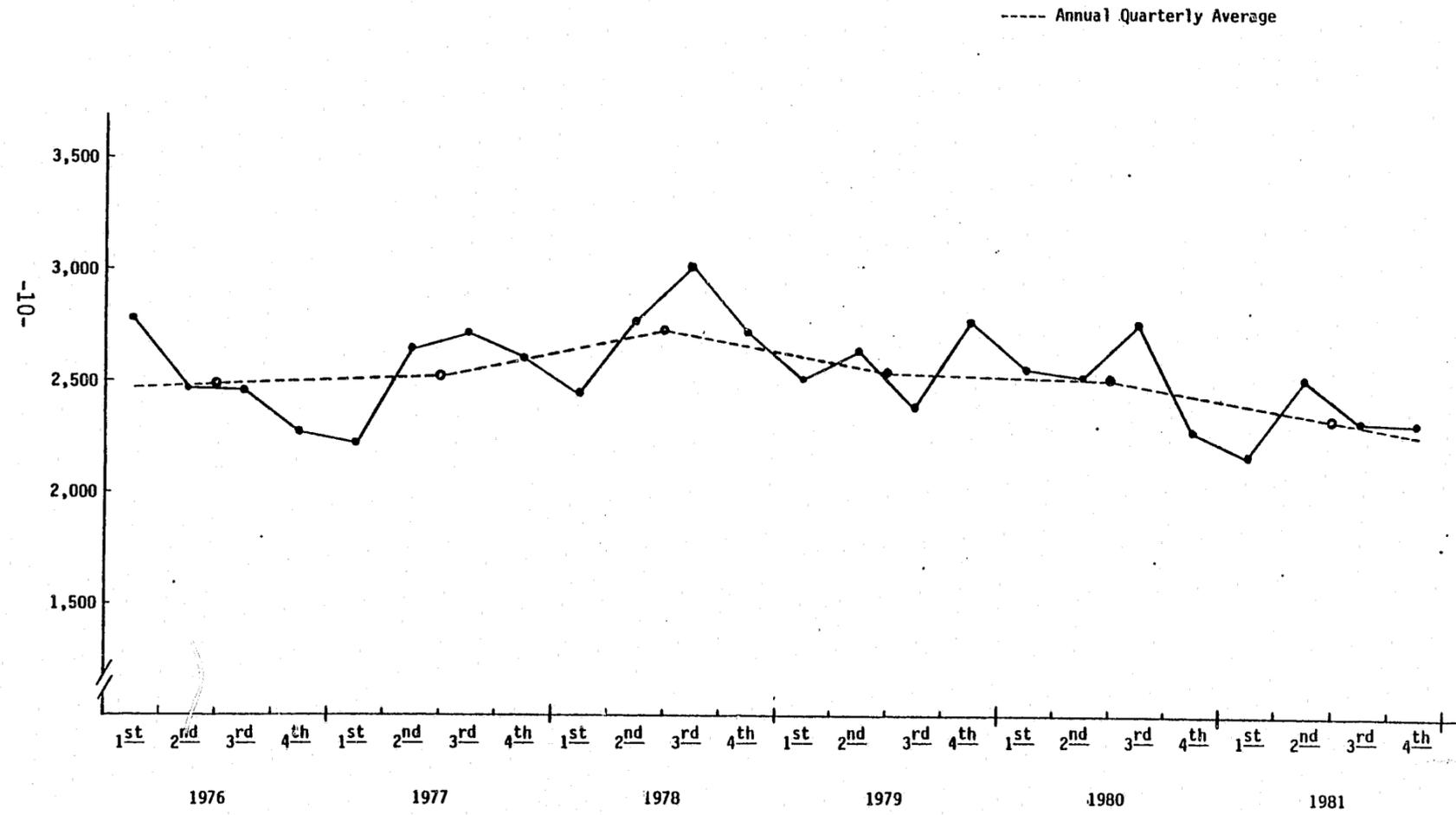
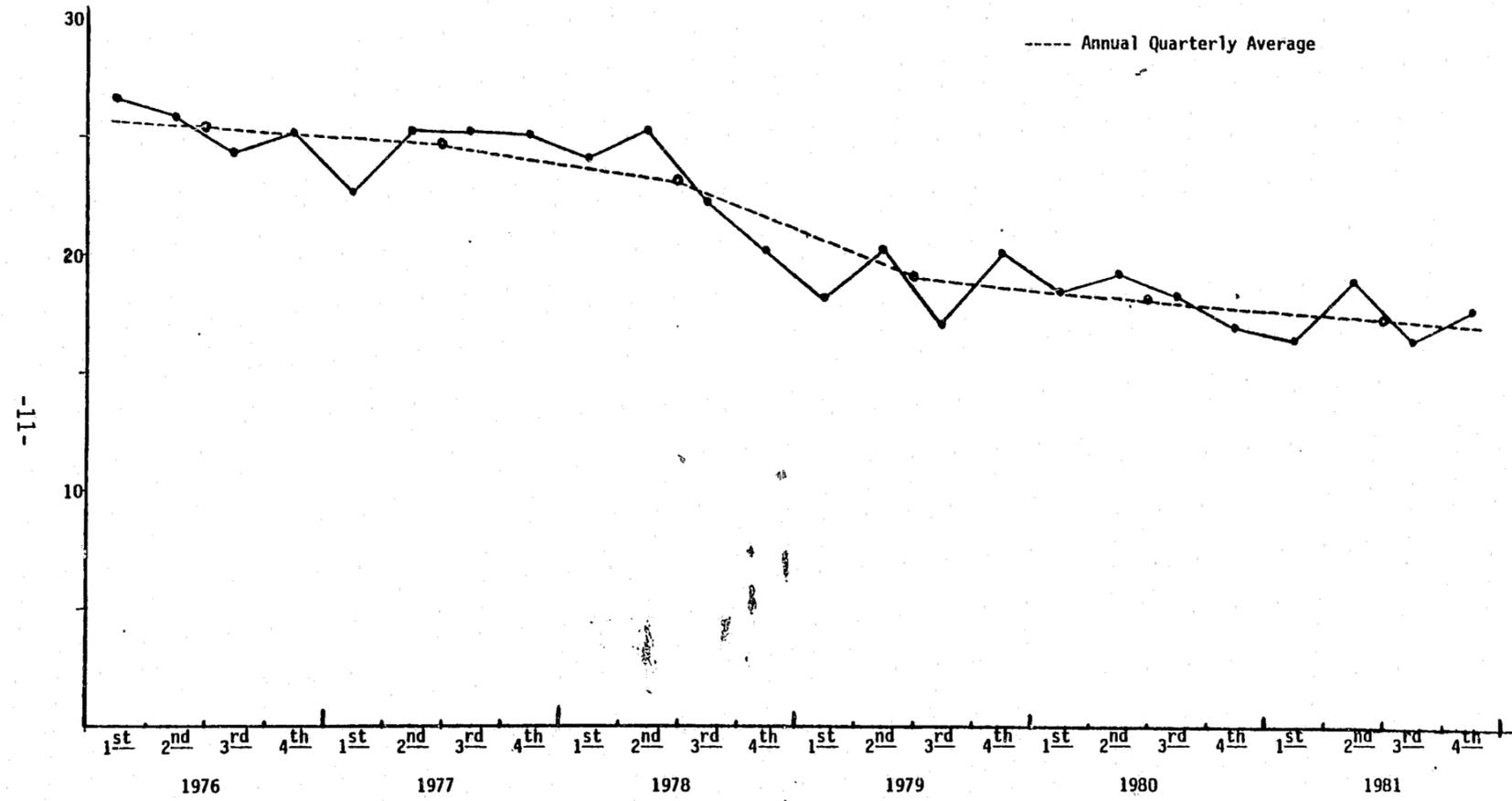


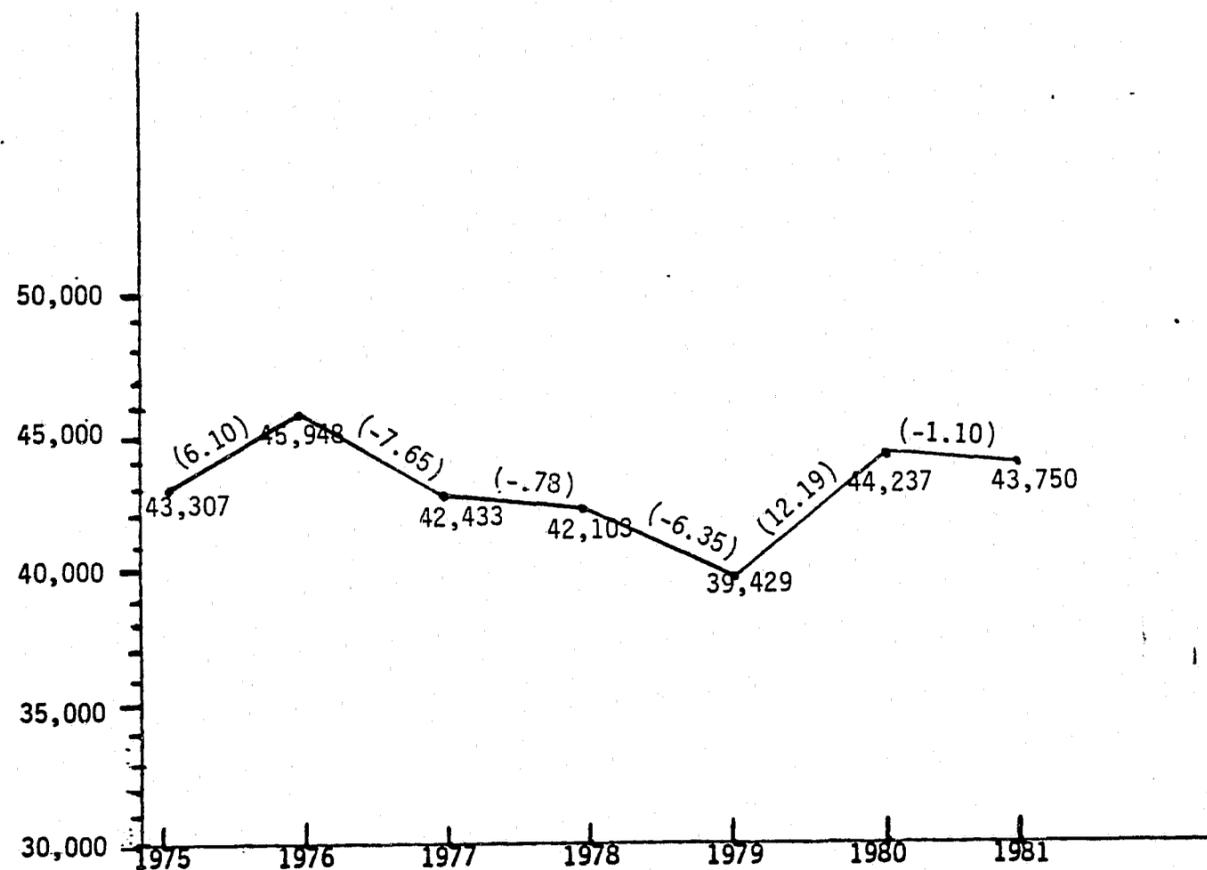
TABLE 3  
 CLEARANCE RATE\* BY QUARTER  
 1976-1981



\*That is, the number of clearances per each 100 major offenses reported.

TABLE 4

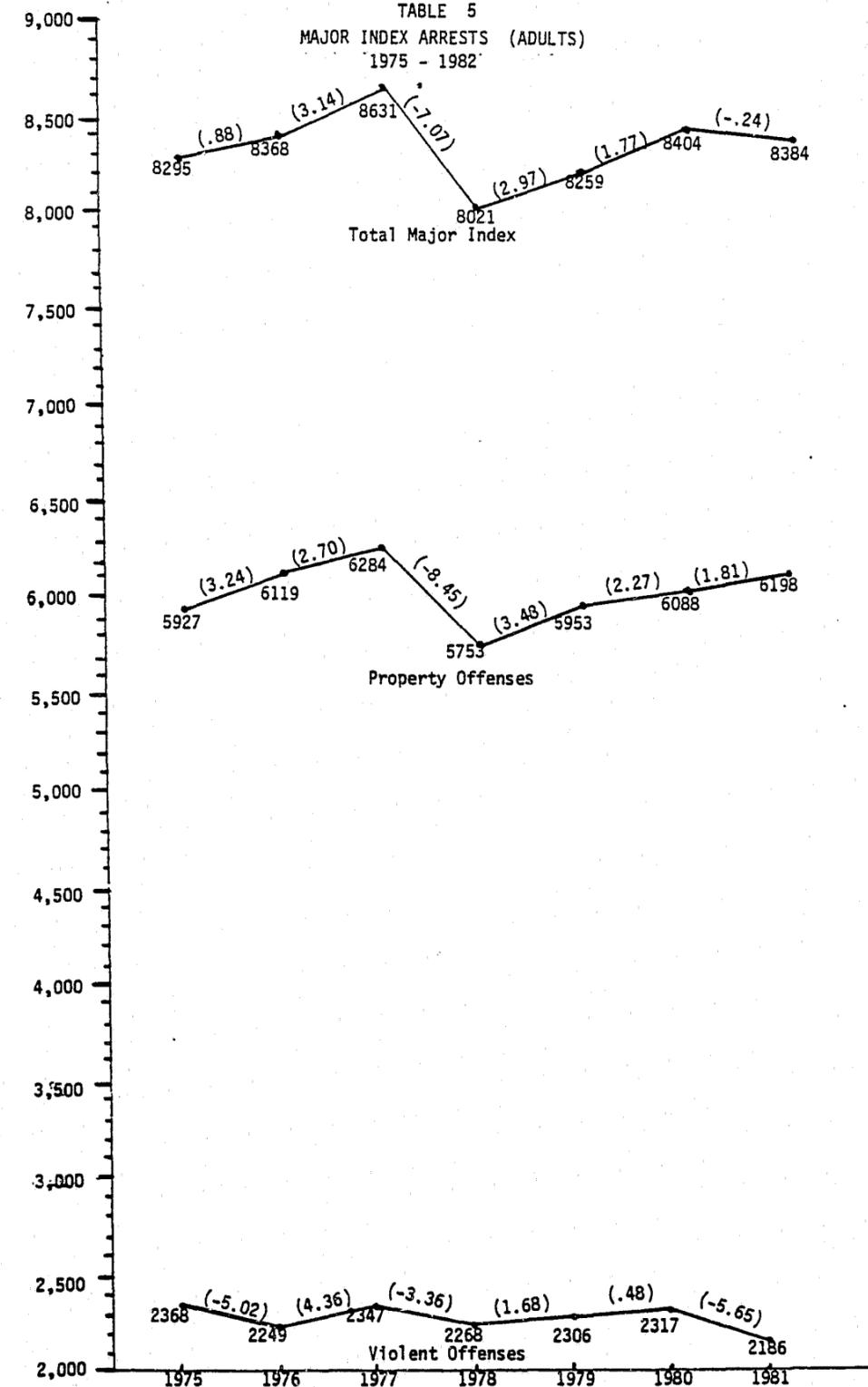
TOTAL ARRESTS (ADULTS)  
1975 - 1982



Prepared by: CJCC

Source: NOPD Uniform Crime Reports, 1975 - 1981

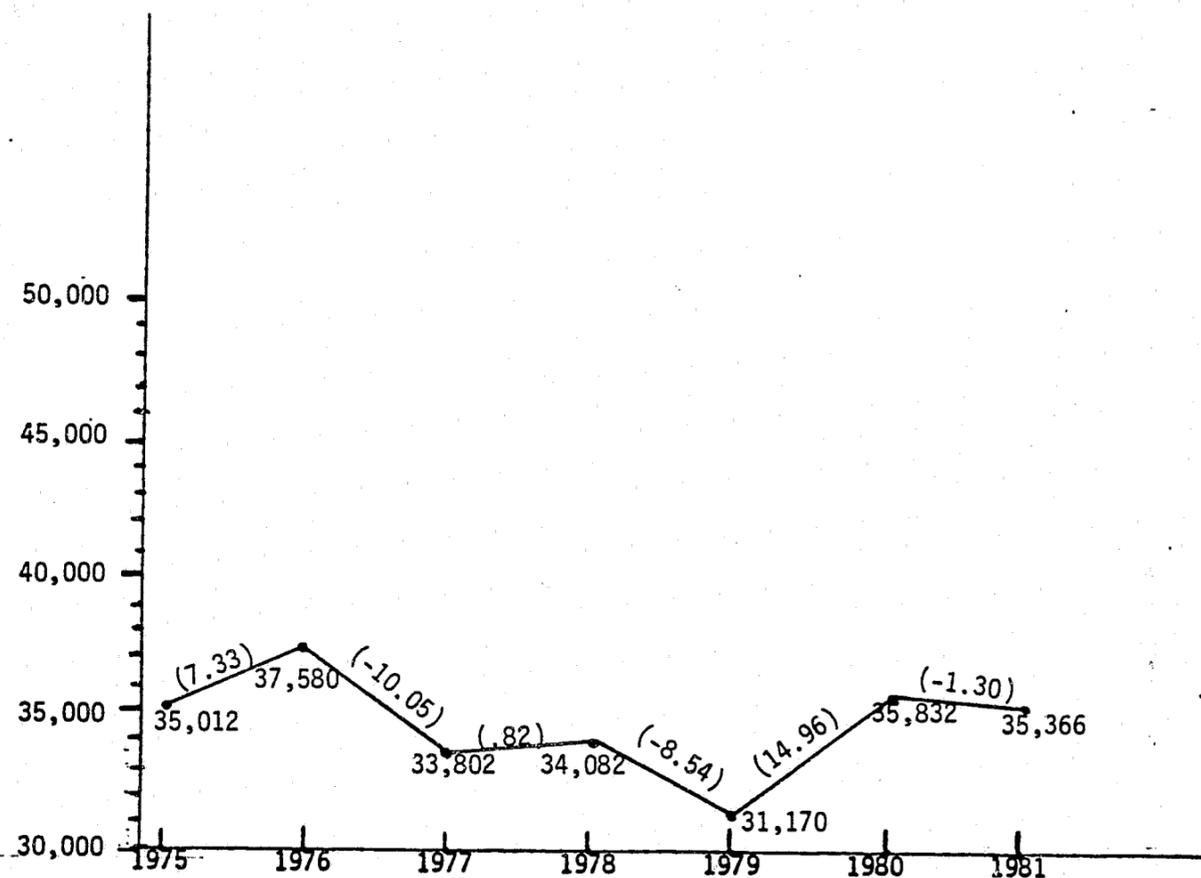
TABLE 5  
MAJOR INDEX ARRESTS (ADULTS)  
1975 - 1982



Prepared by: CJCC

Source: NOPD Uniform Crime Reports, 1975 - 1981

TABLE 6  
PART II ARRESTS (ADULTS)  
1975 - 1982



Prepared by: CJCC

Source: NOPD Uniform Crime Reports, 1975 - 1981

Prosecution

A review of action taken by the District Attorney's Office between 1976 and 1982 should provide some indication of the impact of prosecution on the Orleans Parish inmate population. The bulk of this information was provided by the District Attorney's Record Tracking System. Much of the data was provided in the form of cumulative totals for the years 1976 through 1982 or 1978 through 1982. Yearly averages for cases accepted for prosecution, number of convictions and number of sentences ordered are CJCC compilations based on these totals.

According to the District Attorney's Office, the average length of time from arrest to the D. A.'s acceptance of charges is two weeks. The average time between the D. A.'s acceptance of charges to disposition is 30-60 days. Data available from the Orleans Parish Criminal Sheriff's Office for June 1 of the years 1978 to 1982 reflects an average daily population of approximately 551 inmates held in the Orleans Parish Prison system pending trial in Criminal District Court.

From 1976 to September 1982, there were 32,910 cases accepted for prosecution for an average of approximately 5000 cases per year. In that same period, the D. A.'s Office achieved 28,427 convictions, or approximately 4000 per year. In recent years, the conviction rate has remained at about 95% based on a comparison of the number of cases that went to trial with guilty pleas and verdicts.

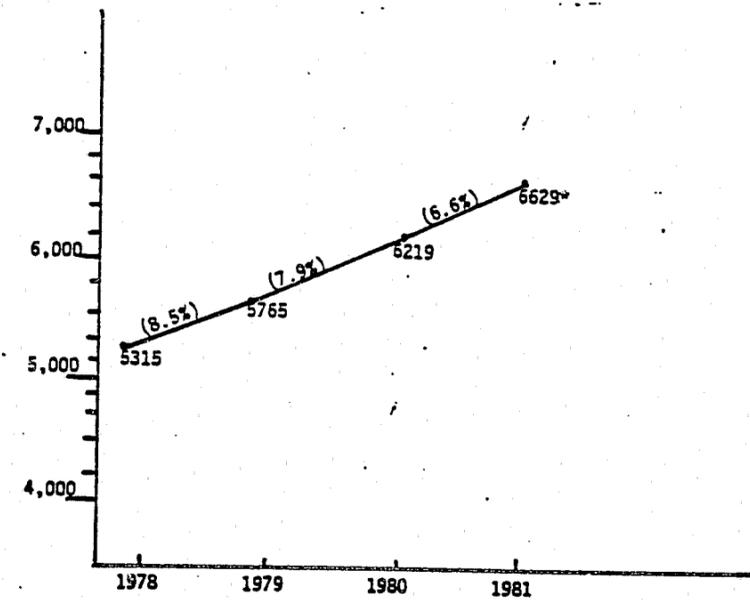
Table 7 is taken from a 1981 report prepared by CJCC and the City Planning Commission. It reflects a 23% increase in charges filed in Criminal District Court between 1978 and 1981. It was suggested at that time that with all other things remaining equal, i.e. conviction and incarceration rates, this increase in charges filed could account, in part, for a corresponding increase in the number of inmates sentenced to the local prison system.

Between 1978 and 1982, 17,130 defendants, or an average of 3,400 per year, were sentenced to the Orleans Parish Prison system. Data available from the OPCS shows an average daily population of 510 inmates sentenced to Orleans Parish Prison. From 1978 to September 1982, there were 4,465 defendants sentenced to the Department of Corrections. This

total averages out to approximately 890 inmates per year.

While averages have been computed on the cumulative totals provided by the D. A.'s Office, these figures are not sufficiently representative of yearly prosecution activities. The absence of yearly breakdowns of convictions and sentences prohibits a review of trends or projections in these areas. Data on the average length of sentences ordered was also unavailable. A more reliable assessment of the effects of prosecution on the Orleans Parish inmate population requires a detailed analysis of trends in prosecution, convictions, average length of sentences ordered and served, and number of sentences to Orleans Parish Prison and the Department of Corrections.

TABLE 7  
CHARGES FILED IN CRIMINAL DISTRICT COURT  
1978 - 1981



\*A projected total based on the first 10 months of 1981

Prepared by CJCC

### Appeals

Defendants tried in Orleans Parish Criminal District Court who file appeals subsequent to their case dispositions are often detained in Orleans Parish Prison pending appeal when bond is not set or posted. This segment of the inmate population averages approximately 180 persons daily. A review of available data on appeals cases in recent years provides some indication of the average length of the appeals process, the average length of time served in OPP pending appeal, and trends in disposition of appeals cases. The data base used for this portion of the study is a CJCC compilation of information contained in court docket masters available for appeals cases which resulted from Criminal District Court trials between January, 1977 and December, 1981.

Table 8 depicts the total number of cases beginning each year that ultimately resulted in appeals. The Criminal District Court Appellate Division hears appeals of Magistrate and 4th Class cases which usually involve misdemeanor charges. Appeals of more serious criminal cases (Class 1, 2, 3) are reviewed by the Louisiana State Supreme Court. This section will focus primarily on those cases that are handled by the State Supreme Court as they constitute an average of 84.3% of the trials each year that result in appeals. Moreover, Appellate Court cases have little impact on the inmate population. They comprise an average of only 15.6% of appeals and the majority of defendants in these Appellate cases are released on bond or recognizance pending the outcomes of their appeals. The more serious charges handled in the State Supreme Court are likely to be either ineligible for bond or accompanied by higher bonds which necessitate the defendants' detention in OPP pending appeal.

The Criminal Code of Procedure indicates that the appeal process is primarily administrative in nature inasmuch as it is characterized by the compilation of appropriate records and transcripts in the office of the Clerk of Criminal District Court and the review of those documents by the judges of the Louisiana State Supreme Court. A brief description of the appeal procedure should provide background for a presentation of

data on the length of the appeals process. The process description is based on provisions of the Louisiana Code of Criminal Procedure, as well as information provided by officials of the Clerk's Office in Criminal District Court and of the State Supreme Court.

The appeal is initiated when a motion for appeal is filed in writing or orally in Criminal District Court. Article 914 of the Louisiana Code of Criminal Procedure requires that the motion for appeal be entered no later than fifteen days after the Court's ruling in the case and the appeal motion must be included in the court record. When the motion for appeal is filed, the Court orders an appeal and sets the return date as a part of the order of appeal. The Clerk of Court must prepare and deliver the transcript to the Supreme Court on or before the return date.

Officials with the offices of the Clerk of Criminal District Court and the Judicial Administrator explained their in-house procedures for complying with the Criminal Code in the appeal process. Each section of Criminal District Court is assigned two clerks. Transcripts are continuously being typed by at least one clerk. When the appeal motion is filed, a clerk transcribes the trial testimony and files with the office of the Judicial Administrator the transcript and a letter of transmittal to the Supreme Court. The transcript clerk in the Judicial Administrator's Office assembles the transcripts and assignments of error and per curia, which are then returned to the clerk in the appropriate section of Criminal District Court. The clerk then forwards the documents to the Louisiana State Supreme Court. While the jurisdiction of the trial court is, for the most part, divested when the appeal motion is filed, Article 916 provides for the trial court judge to extend the return date, the time for filing assignments of error and per curiam comments and the time to correct an illegal sentence or reduce a legal sentence.

The Supreme Court justices, en banc, review the transcripts of the proceedings, assignments of error and per curiae. The Court considers errors designated in the assignments of error or those that are discoverable by inspection of the pleadings and proceedings and without inspection of evidence. Four of the seven justices must concur in order for a judgment to be rendered. Because of the nature of appellate review, the defendant's presence is usually not required.

Tables 11 and 12 indicate the usual time lapses in various phases of the appeal process. The median number of days from initial sentencing to appeal motion averaged only 1.2 days for all Louisiana Supreme Court cases tried between 1977 and 1981. The time from disposition to appeal motion averaged 32 days. The overall process from appeal motion to appeal decree averaged 365 days for those cases.

Table 12 provides an indication of defendants' length of stay in Orleans Parish Prison pending appeal. For cases tried between 1977 and 1981 in which defendants were sentenced to the Department of Corrections and detained in OPP, the median days from appeal motion to appeal decree averaged 369 days. The median time from case disposition to appeal motion in Criminal District Court averaged 34 days.

Tables 11 and 12 appear to reflect a significant decrease in the processing time of appeal cases in 1981. It should be noted, however, that when the data was collected, only four cases in 1981 had been decided by the Supreme Court and only 75 appeals had been filed as a result of trials begun in 1981. While the average time from appeal motion to decree was 274 days, or approximately nine months, this data applies to only four cases. For the years 1977 through 1980, there was an average of 133 appeals filed subsequent to trials begun in each of those years and an average of 102 Supreme Court decrees each year. The data available for 1981 does not fully reflect the number of appeals cases that probably resulted from trials held that year. It is likely that a number of appeals in 1981 cases were filed in calendar year 1982.

A review of the trends in decrees handed down by the Louisiana State Supreme Court should be considered in conjunction with data on the length of the process and the duration of detention in OPP pending appeal (Tables 13 and 14). Among defendants tried from 1977 to 1980, an average of 68% each year had their convictions and sentences affirmed by the State Supreme Court while an average of only 3% were granted new trials and only 1% were issued release orders after having both their convictions and sentences reversed. In those cases where defendants were sentenced to the Department of Corrections and detained in Orleans Parish Prison pending appeal, convictions and sentences were affirmed by the Supreme Court in an average of 94% of the cases

studied. New trials were granted in an average of only 5% of these cases and release orders issued in about 1%.\*

When appeals are forwarded to the Louisiana Supreme Court, the process primarily involves the review of transcripts and other documents by the Supreme Court judges. The defendant's presence before the Supreme Court is usually not required, yet, this mostly administrative process averages approximately 369 days from the filing of the appeal motion to decree for defendants sentenced to the Department of Corrections and detained in OPP. These defendants remain a part of the already vast OPP population for at least one year. At the same time, the ruling of the Criminal District Court is ultimately upheld in an average of 94% of these cases.

Until passage of Act #852 during 1982 amending Revised Statutes 15:566, prisoners sentenced to the Department of Corrections who filed appeals had to remain in parish jails until such time as the appeal was completed. R.S. 15:566, as amended, allows for the transfer within 30 days of sentencing of prisoners sentenced to the Department of Corrections who have appealed. However, because of the overcrowded conditions within the Department of Corrections, implementation of this amendment has not taken effect.

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\* excluding pending cases

TABLE 8  
 APPEALS FILED IN CRIMINAL DISTRICT COURT  
 SOURCE OF APPEAL RULING

Court	1977	% Total	1978	% Total	1979	% Total	1980	% Total	1981	% Total
Criminal District Court, Appellate Division	20	15.7	30	20.1	25	13.0	22	13.8	6	7.4
Louisiana State Supreme Court	107	84.3	119	79.9	168	87.0	137	86.2	75	92.6
TOTAL	127	100.0	149	100.0	193	100.0	159	100.0	81	100.0

Source: CJCC Compilations of Criminal District Court Docket Masters (Appeals Cases) 1977-1981

TABLE 9  
CUSTODY STATUS  
Louisiana Supreme Court Cases

Custody Status	1977	% Total	1978	% Total	1979	% Total	1980	% Total	1981	% Total
Orleans Parish Prison	94	87.9	94	79.0	140	83.3	111	81.0	63	84.0
Dept. of Corrections	2	1.9	2	1.7	4	2.4	3	2.2	1	1.3
Original or Appeal Bond	8	7.5	22	18.5	11	6.5	7	5.1	7	9.3
Other Bond	1	0.9	1	0.8	4	2.4	9	6.6	1	1.3
Federal Custody	-	-	-	-	1	0.6	-	-	-	-
Missing Cases	2	1.9	-	-	8	4.8	7	5.1	3	4.0
<b>TOTAL</b>	<b>107</b>	<b>100.0</b>	<b>119</b>	<b>100.0</b>	<b>168</b>	<b>100.0</b>	<b>137</b>	<b>100.0</b>	<b>75</b>	<b>100.0</b>

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Prepared by: CJCC

Source: Criminal District Court Docket, Masters, 1977 - 1981

TABLE 10  
LOUISIANA SUPREME COURT CASES  
Sentencing

Sentence	1977	% Total	1978	% Total	1979	% Total	1980	% Total	1981	% Total
Orleans Parish Prison	4	3.7	7	5.9	9	5.4	6	4.4	3	4.0
Dept. of Corrections	96	89.7	101	84.9	150	89.3	118	86.1	67	89.3
Probation	3	2.8	4	3.4	3	1.8	3	2.2	-	-
Fine	-	-	-	-	-	-	-	-	-	-
Fine & Probation	1	0.9	1	0.8	3	1.8	6	4.4	1	1.3
Fine or Orleans Parish Prison	1	0.9	1	0.8	-	-	1	0.7	-	-
Fine & OPP	-	-	-	-	-	-	-	-	-	-
Fine & DOC	-	-	-	-	-	-	-	-	1	1.3
Fine, Probation & DOC	-	-	-	-	-	-	-	-	-	-
Fine or OPP & Probation	-	-	-	-	-	-	1	0.7	1	1.3
Fine, DOC & Probation	-	-	-	-	-	-	-	-	-	-
Death	-	-	2	1.7	1	0.6	2	1.5	-	-
Other	-	-	1	0.8	-	-	-	-	1	1.3
Missing	2	1.9	2	1.7	2	1.2	-	-	1	1.3
TOTAL	107	100.0	119	100.0	168	100.0	137	100.0	75	100.0

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Prepared by: CJCC  
Source: Criminal District Court Docket Masters, 1977 - 1981

TABLE 11

## LOUISIANA SUPREME COURT CASES

Average Time (Days) From:		Processing Times				
		1977	1978	1979	1980	1981
Disposition to Appeal Motion	Mean	83	86	81	63	33
	Median	35	37.1	36	35	18
Initial Sentencing to Appeal Motion	Mean	55	34	32	23	10
	Median	2.1	2.0	0.0	0.0	2.0
Appeal Motion to Appeal Decree	Mean	453	437	432	369	253
	Median	400	398	385	370	274
Disposition to Appeal Decree	Mean	497	504	499	425	266
	Median	448	451	467	415	292

TABLE 12

LOUISIANA SUPREME COURT CASES  
Sentenced to DOC and Held in OPP pending Appeal

Average Time (Days) From:		Processing Times				
		1977	1978	1979	1980	1981
Disposition to Appeal Motion	Mean	58	82	73	67	35
	Median	28	39	30	53	18
Initial Sentencing to Appeal Motion	Mean	38	29	26	25	11
	Median	5.1	0.2	0.2	0.0	2.0
Appeal Motion to Appeal Decree	Mean	447	448	426	368	253
	Median	399	421	383	370	274
Disposition to Appeal Decree	Mean	488	516	491	434	266
	Median	448	481	453	426	292

Prepared by: CJCC

Source: Criminal District Court Docket Masters, 1977 - 1981

TABLE 13  
 DECREE  
 LOUISIANA SUPREME COURT CASES

Decree	1977	% Total	1978	% Total	1979	% Total	1980	% Total	1981	% Total
Conviction and Sentence Affirmed	89	83.2	88	73.9	115	68.5	65	47.4	3	4.0
Conviction and Sentence Reversed - New Trial	2	1.9	9	7.6	6	3.6	3	2.2	-	-
Conviction and Sentence Reversed -Release Order	1	0.9	2	1.7	2	1.2	-	-	-	-
Sentence Reversed	2	1.9	4	3.4	5	3.0	1	0.7	-	-
Nolle Prosequi	-	-	1	0.8	-	-	-	-	-	-
Appeal Withdrawn	3	2.8	-	-	2	1.2	5	3.6	1	1.3
Appeal Pending	8	7.5	14	11.8	38	22.6	63	46.0	71	94.7
Other	1	0.9	1	0.8	-	-	-	-	-	-
U. S. Supreme Court	1	0.9	-	-	-	-	-	-	-	-
Missing Cases	-	-	-	-	-	-	-	-	-	-
TOTAL	107	100.0	119	100.0	168	100.0	137	100.0	75	100.0

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Prepared by: CJCC

Source: Criminal District Court Docket Masters, 1977 - 1981

TABLE 14  
 DECREES  
 LOUISIANA SUPREME COURT CASES  
 Sentenced to DOC and Held in OPP

Decrees	1977	% Total	1978	% Total	1979	% Total	1980	% Total	1981	% Total
Conviction and Sentence Affirmed	75	87.2	65	77.4	91	69.5	48	46.2	3	5.0
Conviction and Sentence Reversed - New Trial	1	1.2	4	4.8	6	4.6	1	1.0	-	-
Conviction and Sentence Reversed - Release Order	1	1.2	2	2.4	1	0.8	1	1.0	-	-
Sentence Reversed	1	1.2	-	-	4	3.1	-	-	-	-
Nolle Prosequi	-	-	-	-	-	-	-	-	-	-
Appeal Withdrawn	2	2.3	-	-	1	0.8	4	3.8	1	1.7
Appeal Pending	5	5.8	12	14.3	28	21.4	50	48.1	56	93.3
Other	1	1.2	1	1.2	-	-	-	-	-	-
U. S. Supreme Court	-	-	-	-	-	-	-	-	-	-
Missing Cases	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>86</b>	<b>100.0</b>	<b>84</b>	<b>100.0</b>	<b>131</b>	<b>100.0</b>	<b>104</b>	<b>100.0</b>	<b>60</b>	<b>100.0</b>

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Prepared by: CJCC

Source: Criminal District Court Docket Masters, 1977 - 1981

## Incarceration

In September, 1982, after a lengthy court process, Judge Frank Polozola of the United States District Court issued an order stipulating the maximum capacities for Orleans Parish Prison facilities as indicated in Table 15. The court order allows for a total of 3147 inmates to be held in Orleans Parish facilities. Tables 16 and 17 show the inmate population by facility in custody of the Orleans Parish Criminal Sheriff's Office (OPCSO) on June 1 of 1978, 1979, 1980, 1981, and 1982. Average daily populations for those years were unavailable from the OPCSO. The consolidation of local correctional facilities is reflected in the figures for 1981 and 1982. Data on municipal prisoners held in the House of Detention/Central Lock Up complex prior to the consolidation is also unavailable. Comparing Tables 15 and 17, it is obvious that on June 1, 1981 and 1982 inmate populations at Orleans Parish Prison, Community Correctional Center, House of Detention/Central Lock Up and the various satellite facilities were within the court ordered maximum capacities.

The average daily population of sentenced and unsentenced municipal prisoners housed at the HOD/CLU is usually estimated at approximately 300 to 400. The addition of 300 inmates per year to the HOD population depicted in Table 16 would increase the figures to 521, 574, and 789 for June 1, 1978, 1979, and 1980, respectively, which are well within the latest court ordered maximum capacity for the House of Detention. With the addition of 300 inmates per year to the HOD population from 1978 to 1980, Tables 16 and 17 are now roughly comparable. The total inmate population for June 1, 1978, 1979, and 1980 would increase accordingly to 1367, 1723, and 1937, respectively. These figures remain within the court ordered maximum capacity, yet they evidence an increase in the total inmate population of approximately 200 to 300 per year from 1978 to 1981 with only a slight increase of 53 between June 1, 1981 and 1982.

Satellite facilities - Fisk School, Thalia Street Fire Station, Broad Street Fire Station, Conchetta Motel - add 555 beds to the capacity of the Orleans Parish Prison system. These facilities came into greater use following the consolidation of local correctional facilities under the OPCSO. It should be noted, however, that the Conchetta Motel, with the largest capacity (252), is in need of renovations. Until renovations are completed, the facility has a capacity of approximately 60 inmates.

Moreover, all of the satellite facilities adhere to a minimum security design. They are used primarily to house inmates in work detail or work release programs, many of whom are approaching the end of their sentences. On June 1, 1981 and June 1, 1982, only 8% and 6%, respectively, of the total prison population were housed in satellite facilities. The balance of the population is considered by the OPCS0 to be ineligible for satellite facilities. It has been projected that if the Orleans prison population continues to increase by 200 to 300 inmates per year, the population in 1984 will reach 4,000. If the inmates eligible for minimum security facilities continue to average about 7.5% of the total, satellite facilities will be housing only about 300 inmates, or 255 less than their capacity. It is likely, then, that in 1984, there will be at least 3700 inmates in need of housing at the OPP, CCC, and HOD which have a combined capacity of only 2,592.

In anticipation of a considerable increase in the inmate population, construction of new 600 man medium security facility has been recommended for Orleans Parish. In view of the limited uses of minimum security satellite facilities, the construction of a new prison must continue to be viewed as a viable option.

Again, data limitations in this section of the report must be considered in conjunction with the analysis. Yearly breakdowns of average daily populations by facility and sentencing status as well as average length of sentence served in Orleans Parish Prison facilities are essential to a reliable study of inmate population trends, yet, these figures were unavailable from the OPCS0. The best use of available data has been made to arrive at the analysis provided herein.

TABLE 15  
COURT ORDERED MAXIMUM CAPACITIES  
ORLEANS PARISH PRISON FACILITIES

Community Correctional Center		896
	Forensic	48
	Total	944
Orleans Parish Prison		791
	Hospital	10
	Lockdown	30
	Total	831
House of Detention		796
	Female Psychiatric	21
	Total	817
Fisk School		150
Thalia Street Fire Station		56
Broad Street Fire Station		96
Conchetta Motel		252
Total Capacity		3147

Source: United States District Court, Middle District of Louisiana,  
Stipulation and Consent Decree, In Re: Jail Population,  
Orleans Parish, September 22, 1982

INMATE POPULATION BY FACILITY

TABLE 16

Facility	6/1/78	6/1/79	6/1/80
Orleans Parish Prison	539	740	624
Community Correctional Center	256	359	405
House of Detention	221	274	489
Charity Hospital	3	2	5
Thalia St. Work Release	34	31	34
Conchetta Motel			
Fisk School			49
Broad Street Fire Station			
Forensic Unit	14	17	14
CLU - Awaiting Transfer			17
<b>Total</b>	<b>1067</b>	<b>1423</b>	<b>1637</b>

TABLE 17

Facility	6/1/81	6/1/82
Orleans Parish Prison	798	778
Community Correctional Center	441	786
House of Detention	887	649
Charity Hospital	8	5
Thalia St. Work Release	51	22
Conchetta Motel	35	34
Fisk School	117	60
Broad Street Fire Station		46
Forensic Unit		
<b>Total</b>	<b>2327</b>	<b>2380</b>

\* Reflects only inmates in custody of OPCSO prior to consolidation of all local correctional facilities  
Excludes Municipal Prisoners

Source: OPCSO Population Breakdown Forms

\* Reflects Consolidation of all local correctional facilities under OPCSO  
Includes Municipal Prisoners

TABLE 18  
INMATE POPULATION BY STATUS

Status	6/1/78	6/1/79	6/1/80	Status	6/1/81	6/1/82
Commitments from State Court	474	346	548	Commitments from Municipal Court	224	147
Parole and Probation Violators	16	55	56	Commitments from State Court	605	782
Held for Extradition	13	5	0	Parole and Probation Violators	42	43
Magistrate Court	4	14	17	Held for Extradition	9	7
Juveniles	0	24	9	Magistrate Court	9	0
Federal Prisoners	45	53	49	Juveniles	16	12
Total Unsented	552	497	679	Federal Prisoners	83	80
Sentenced to OPP	248	462	636	Total Unsented	988	1071
Sentenced to DOC	142	299	22	Sentenced - Municipal	279	288
DOC- Writs and Appeals	106	165	274	Sentenced to OPP	627	578
DOC - Civil Actions				Sentenced to DOC	192	141
DOC - Special Programs			19	DOC - Writs and Appeals	196	159
Charity Hospital	19		7	DOC - Awaiting Transport	36	41
TOTAL Sentenced	515	926	658	DOC - Civil Actions	4	2
Total Population	1067	1423	1737	DOC - Special Programs	5	0
				TOTAL Sentenced	1339	1209
				Total Population	2327	2280

\* Reflects Inmate Population in custody of OPCSO prior to consolidation of local correctional facilities  
Excludes Municipal Prisoners

\* Reflects Inmate Population after consolidation of local correctional facilities under OPCSO  
Includes Municipal Prisoners

Source: OPCSO Summary of Inmate Population Forms

**END**