



**Testimony of
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Field Hearing on "The Katrina Impact on Crime and the Criminal Justice System in New Orleans"

**Subcommittee on Crime, Terrorism and Homeland Security
Committee on the Judiciary
U.S. House of Representatives
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Introduction

I believe it would be beneficial to briefly highlight the financial condition of my office post-Katrina. Prior to Katrina, the City of New Orleans provided allocated operating funds (budget) to the district attorney's office on a quarterly basis. For 2005 the district attorney's allocated budget was \$3,371,616.00. Disbursed quarterly, we were due to receive four checks each in the amount of \$842,904.00. We did not receive a 2005 fourth quarter check. On September 29, 2005 we were informed that the city had no money to contribute to the operating expenses of the district attorney's office. Our other traditional revenue sources— grant reimbursements, traffic court fees, bail bond fees, court costs, and diversion and bad check program fees- were also halted. This loss of revenue resulted in the lay off of 57 non-attorney employees (84% of the staff).

After Katrina my office operated with a skeleton crew of eleven staff members and approximately fifty-five attorneys. In November 2005 the City Administration informed us that we had been allocated \$2,360,131 for 2006 operating expenses. We received these funds via a monthly stipend of \$196,677.58. By January 2006 we were able to restart several grants, which allowed us to return five data entry clerks, a screening bill typist, and one secretary to work. During March and April we began the process of applying for Department of Justice (DOJ) emergency funding through the Criminal Justice Infrastructure Recovery Grant program. In May and June we were able to restart our Domestic Violence Program grants. These grants allowed the return of two social worker counselors to assist domestic violence victims, and allowed us to dedicate a screener and investigator to focus exclusively on domestic violence cases. Also in June 2006 the DOJ and Louisiana Commission on Law Enforcement awarded my office \$3,014,000 in Recovery Grant funds. These funds are to be expended over a twenty-four month period, and are intended for the two-fold purpose of returning operations of the district attorney's office to an essential level, and, where possible, to restore services to pre-Katrina levels. This grant provided operating funds as well as funds to fill thirty-three staff positions and seven attorney positions. The seven attorney positions were authorized for a four person Case Recovery Management Team (CRMT) dedicated to reviewing pre-Katrina cases to assess if the case remains viable and to insure all incarcerated defendants are brought to court for appropriate proceedings; and a three person Violent Offender Prosecution Unit (VOPU) dedicated to prosecuting violent crimes and certain repeat offenders. The Recovery Grant also allowed my office to reestablish our Diversion and Investigative Units, and to return other critical clerical and administrative personnel to duty. Grant funds provide operating expenses for our Victim Witness Assistance Unit, and for basic services such as telephones and file storage.

For 2007 the New Orleans City Council appropriated \$2,946,131 in operating expenses for my office. This is less than pre-Katrina operating expenses, but a \$585,999 increase over 2006 funding. This increase was specifically allocated to provide salary increases to line prosecutors, and to allow the addition of three additional prosecutors to the Violent Offender Prosecution Unit. The salary increases made possible by the 2007 budget increase raised the minimum base salary for prosecutors to \$45,000.

Staffing Issues

Before Katrina the Orleans Parish District Attorney employed ninety-two prosecutors. Two prosecutors were part-time. Currently we are funded for eighty-nine full-time prosecutors. Thirteen of these positions are grant funded. Funds for eight of the grant positions will be expended by the end of 2007— seven Infrastructure Recovery Grant positions (CRMT and VOPU) and one grant funded rape screener's position.

In the short term the immediate need of my office is for eight additional screeners to assist my Screening Division. These additional attorneys would be utilized to facilitate the screening of victim cases by insuring that every victim has significant and timely contact with an attorney during the screening process. The additional attorneys would also be used to establish a Community Prosecution Program.

This program would also facilitate the screening process by placing prosecutors at district police stations where they could provide assistance to police officers and begin the screening process, including making contact with victims/witnesses, immediately after a crime is reported.

Attorney Caseload

Katrina essentially shut down the criminal justice system until November 2005. The Orleans Parish Criminal Court Building, the District Attorney's Office Building, the New Orleans Police Headquarters Building, and the Orleans Parish prison system all sustained significant flood damage. Currently, the District Attorney and New Orleans Police Department are still operating from temporary facilities. The Orleans Parish prison system is operating at a fraction of its pre-Katrina capacity. The Criminal Court has re-occupied its building, however that building has likewise not been restored to pre-Katrina condition. Damage to this infrastructure obviously impacted the ability to prosecute cases. My office is currently operating from its second temporary office. The Criminal Court returned to its regular offices in June 2005.

Future Needs

The primary immediate needs of my office are funding for victim witness assistance, enforcement personnel, and additional office space. Eight additional attorneys are needed to assist with the screening of cases and to establish the core of a Community Prosecution Unit. As noted, the Community Prosecution Unit contemplates placing prosecutors at district police stations where they could have immediate contact with victims and witnesses and provide an additional resource for investigating police officers.

Five law enforcement personnel are needed to supplement the work of the Screening and Homicide Divisions. Currently, my office has limited resources to commit to the pre-indictment investigation of cases— including homicide cases, which are screened by my Homicide Division. Police reports and other cases presented to my office for review frequently require follow-up investigative attention— such as additional forensic work, location of additional witnesses, procurement of necessary documents, clarification of victim/witness statements. New Orleans police personnel shortages have made it difficult for police officers to provide timely follow-up assistance once they have submitted a report. Additional investigative support dedicated to my office will provide the investigators needed to facilitate the important goal of a faster screening decision and, ultimately, a better-prepared case for our trial attorneys to prosecute.

Finally, my office is operating out of our second post-Katrina temporary office. The city of New Orleans has been unable to provide a definitive date as to when we can reoccupy our permanent office. Significant renovations have yet to begin. We have approximately 125 employees crowded into less than 20,000 square feet of office space. As a practical matter, this results in multiple individuals sharing offices and data and clerical personnel working from workstations set up in corridors. Locating additional space is a priority for my office in the coming weeks.

Thank you for the opportunity to bring these issues to your attention.