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# Justice Talking Radio Transcript

**Revisiting New Orleans: Katrina's Effect on the Legal System—Air Date: 9/17/07**

*Two years after the largest natural disaster in U.S. history, New Orleans has been forced to redevelop neighborhoods, schools and most of its urban infrastructure. But what has happened to the city's criminal justice system? Join us on this edition of Justice Talking for a detailed look at how Hurricane Katrina has affected police practices, the state and federal court systems, jails and alternative sentencing plans, and what the changes mean for citizens of and visitors to this famous city.*

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**MARGOT ADLER:** From NPR, this is Justice Talking. I'm Margot Adler. Two years after Hurricane Katrina devastated New Orleans, has the criminal justice system changed for the better?

**UNIDENTIFIED FEMALE:** Many of my members feel however violent, or supposedly violent, their communities are, they would much rather take their chances with the people in their community that they know and whose respect they have than police officers who don't seem to respect anyone.

**MARGOT ADLER:** Changes are in the works but the city with the highest homicide rate in the country has a long way to go.

**UNIDENTIFIED MALE:** No, if you're poor and you're accused of a crime in New Orleans there is a significant risk that currently exists that if you are innocent you will nevertheless be convicted.

**MARGOT ADLER:** Coming up after the news, the state of the criminal justice system in New Orleans.

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MARGOT ADLER: This is Justice Talking from the University of Pennsylvania's Annenberg Public Policy Center. I'm Margot Adler. A few bright spots are beginning to shine in the otherwise overwhelmed criminal justice system of New Orleans. As the second anniversary of Hurricane Katrina has passed by, important reforms have been put in place. Judges and others say these reforms could help New Orleans overcome decades of dysfunction in the legal system. Today we take a look at the criminal justice system in New Orleans, the progress of reform, new problems which have taken hold, and some old problems which may be worse than ever.

Here to tell us about how residents in high-crime neighborhoods grapple with questions of crime and safety in New Orleans is Ursula Price. Price is a prison organizer and legal investigator for Safe Streets/Strong Communities. It's a grassroots anti-crime group that also advocates for people who claim they've been unfairly caught up in the criminal justice system. Welcome to Justice Talking.

URSULA PRICE: Thank you. It's a pleasure to be here.

MARGOT ADLER: Your organization goes over to the Orleans Parish Prison each week to interview people as they are released from jail. I understand Safe Streets has conducted thousands of these interviews. What have you learned from them about the criminal justice system in New Orleans? What's changing? What's working? And what isn't working?

URSULA PRICE: Well in general I must say that the New Orleans criminal justice system has always been notoriously bad, and so what we have learned is the specific ways it has failed people during Hurricane Katrina and how that system has become exacerbated since Hurricane Katrina. We've also realized that people are getting higher-quality public defender services, but that right now that system seems to be the only one that is anywhere near functional.

MARGOT ADLER: So the public defender's situation is better. What about the situation with the jails?

URSULA PRICE: The conditions in the jail have been terrible for the past 30 years. And given that those buildings were reoccupied without remediating mold or cleaning up any hurricane debris, the health conditions in them are much worse than they ever were before. They're also severely overcrowded because only certain numbers of the buildings have been reopened at all and they are vastly occupied by people who were arrested for low-level offenses and drug possession. So what we are seeing is average, everyday people who got picked up on traffic charges, for instance, living in the one of the worst jails in the country.

MARGOT ADLER: There were a lot of stories in the aftermath of Hurricane Katrina about people getting lost in the prison system. The phrase that I heard was "doing Katrina-time," sometimes for many months with big backlogs of people awaiting court appearances.

I've heard some say that the backlogs have been getting cleared up, but I've heard that you are saying that people are still spending weeks and months in jail without getting a court appearance. Is that common?

URSULA PRICE: Yes, it's still very much common. And I will say that the initial backlog of the 8,000 people who were in jail at the time of Hurricane Katrina has reasonably been cleared with the exception of some more serious charges. But "Katrina-time" is an interesting phrase. But frankly this is a phenomenon that existed before, during, and after Katrina. This is a long-standing problem in New Orleans; due process is not a criminal justice priority here.

MARGOT ADLER: And give me a couple of examples of people that, you know, your organization has interviewed when they came out of jail, some of the stories that sort of make this very apparent.

URSULA PRICE: Well, the most striking example is one of our members, Glen Thomas, died in the jail on July 3rd this year. Glen had been arrested for possession of a narcotic in 2004. He was in jail at the time of Hurricane Katrina and was released. A habeas warrant was issued for his arrest in late 2005. He was arrested in January 2006 and he stayed in jail the entire time from that date till the date of his death without once appearing in court.

MARGOT ADLER: There have been some dramatic changes in the structure of the public defender's office. Do you see signs that those reforms are making a difference?

URSULA PRICE: Absolutely. For the first time in perhaps 20 to 30 years people see an attorney within 24 hours of their arrest. Before Katrina people did not see their public defender till the day they went to court. They met their public defender five minutes before they had to plead guilty or innocent. Now at least they are having access to their attorneys. They are able to call their attorneys. They have a physical office where people answer the phones now--that is very new. Their families are able to visit their attorneys and consult them on investigations. And the public defenders actually have investigators now, which is also pretty new.

MARGOT ADLER: Some statistics paint a bleak picture of life on the streets in many parts of New Orleans. Poor young black men seem to dominate the crime statistics both as victims and perpetrators. Tell us a little bit about what's going on there.

URSULA PRICE: This city has been living in a state of poverty and government corruption for a very long time. And the result of that is that the only real jobs available to people are in the service industry, in the tourism industry, working in hotels as maids or cooks. That's certainly not a viable way for a young man to support his family unless--understand, these young men, these 17-year-old boys, do have families to support--so drugs have been a part of our economic culture for quite some time. Everyone's situation is ten times worse now. Many people are homeless. Their mental health is definitely in jeopardy and there are no services available to them. And they're in a constant battle with their own government just to get the basic resources they need to live their daily lives. I should also point out people spend a lot of time blaming young folks here. There are no resources for young people. Our education system is pathetic. We have no after-school programs to speak of. We don't give our young people anything, but

we spend a lot of time assigning responsibility to them for the violence that is happening in our communities, neglecting the fact that we are the people responsible for bringing these young people up.

MARGOT ADLER: Almost everyone, from the police to advocates like yourself, describes a near total breakdown in trust between people in your community and the police. Paint a picture of that for us. It's something that I think a lot of people don't really understand. Tell us what it's like now. And is it the same or worse than it was before Katrina?

URSULA PRICE: A fabulous example of how this relationship has disintegrated into nothing: I spoke to a woman--she was in her early 40s, she was a single mother of three, a nurse at a local hospital--and she was in jail the day that I spoke to her. The reason she was in jail is because she observed a domestic dispute going on between her neighbors and she called the police. When the police arrived, rather than intervening in the domestic dispute they decided to run a check on her. They ran her license through MCIC and discovered she had a traffic warrant from about five years ago and they brought her to jail. Many of my members feel however violent, or supposedly violent, their communities are, they would much rather take their chances with the people in their community that they know and whose respect they have than police officers who don't seem to respect anyone.

MARGOT ADLER: That was Ursula Price, an organizer for Safe Streets/Strong Communities. Later in the program, a different opinion:

UNIDENTIFIED MALE: I would say that it's getting better because I am the commander of the detective bureau and every chance I get I go into the community on crime scenes and talk with the public. And the public that I'm speaking with want to help the police department. They want to be a part of the process.

MARGOT ADLER: That assistance is more and more critical in New Orleans, where the nightly news is a constant reminder of the city's record-high murder rate.

UNIDENTIFIED MALE: People who live in New Orleans East say enough is enough. That after two people are killed and five others hurt in a shooting last night.

UNIDENTIFIED FEMALE: New Orleans Police are investigating an afternoon murder in Hollygrove. It happened around 2 o'clock in the 8600 block...

UNIDENTIFIED FEMALE: Vowing not to lose their neighborhood to thieves and robbers, a group of vigilant New Orleans East neighbors thwarted what police say was an apparent copper theft. WDSU News...

UNIDENTIFIED FEMALE: ...sections of New Orleans, a spike in armed robberies has the NOPD beefing up its patrols...

MARGOT ADLER: Brendan McCarthy is a crime reporter for the Times-Picayune in New Orleans. Police regularly point to disputes in the drug trade to explain the high murder rate, though McCarthy says the picture of crime in the city is more complex.

BRENDAN MCCARTHY: A large majority is definitely related to drugs. There are a significant number of random incidents. Right now, in the third, what they consider the third quarter--you know, they look at crime statistics quarterly--armed robberies are way up. We have an instance of which a lot of day laborers are getting robbed, some shot. They carry a large amount of money on them.

MARGOT ADLER: Reports have criticized the police for focusing too many resources on arresting nonviolent offenders. The Metropolitan Crime Commission, an independent research organization in the city, found that more than half of all arrests were still for traffic and municipal violations even as the murder rate has soared. Is that a fair critique of the police department?

BRENDAN MCCARTHY: Well the numbers definitely, you know, buttress that. The department right now has incredibly limited resources. They operate out of trailers. They don't even have a police headquarters. Meanwhile, in a sense they're trying to put out fires, because you do have this homicide rate in which a person's killed every other day. So they're stressed. They're overworked. They're trying to put out these fires. Meanwhile you've got to get your arrest rates up. You know, modern-day policing is about numbers. And currently what they do now, too, is they call them vehicle checkpoints: They pull people over at certain times, you know, have several police cars there. And what the police say is we're looking for violent offenders. They're hoping to pick up that guy who's wanted on a warrant, a guy who could've been last week's shooter in a crime. A guy who they say, hey I remember you, you know, let's pull you in.

MARGOT ADLER: Are there parts of the criminal justice system that are making meaningful strides in the right direction?

BRENDAN MCCARTHY: Everyone's trying. I mean it'd be unfair to say one department is falling down on the job or not trying hard enough. One thing that the hurricane and the flood did certainly do for New Orleans is put on more of a spotlight. You're seeing a lot more public outrage. In early January, following a spate of some high-profile murders, you have thousands and thousands of people march on city hall. People are calling for the resignation of, uh, the district attorney, the police chief, there are blogs, public meetings. You name it. People really, really do care here. It's on the public radar big time.

MARGOT ADLER: Would you single out law enforcement, sentencing practices, or some other aspect of the system as a particularly weak link in delivering justice to the people of New Orleans?

BRENDAN MCCARTHY: In a traditional city, a city, say, like Philadelphia, Chicago, or look at cities that are our size, say, Memphis, Nashville, even a little larger, right? You don't have this kind of systemic breakdown. Here, look at the school system. Look at the jails. Look at public

housing. Look at rehab and rehabilitation. We don't even have enough, um, psychiatric mental health beds for patients that are come in. This is a city that's depressed in many instances. Where do you begin, you know? The cops say, well, we can't necessarily cure all of crime here. We need some help.

MARGOT ADLER: Brendan McCarthy is a crime reporter for the Times-Picayune in New Orleans. Thank you so much for talking with us.

BRENDAN MCCARTHY: Thank you.

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MARGOT ADLER: Coming up on Justice Talking, a conversation with a New Orleans judge and a public defender about the state of the criminal courts. One concern: a public defenders' system that depends on court fees from traffic violations.

UNIDENTIFIED MALE: The bottom line here is resources. You get what you pay for and if you pay very little what you get is not much justice.

MARGOT ADLER: Stay with us.

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MARGOT ADLER: This is Justice Talking, the public radio show about law and American life. I'm Margot Adler. We're talking about the state of the criminal justice system in New Orleans. It's been two years since Hurricane Katrina devastated an already challenged system, a system that had been criticized for years as corrupt and unjust. I asked Orleans Parish Criminal District Court Judge Calvin Johnson to take us back to the months following Hurricane Katrina.

CALVIN JOHNSON: The storm had a tremendous impact on us. It totally washed away our, our system, in essence. Nine, eight, seven thousand people--I've forgotten the exact number--seven thousand or so, in jail. All over the country, dispersed all over the state of Louisiana anyways, dispersed and initially just trying to determine who was where and who belonged in jail and who didn't. And that was just a heck of a thing to try to get done in and of itself, but then to get the court system back up and running became an ordeal. First they're thinking that we would be back in our building in the fall of '05, and then discovering that we wouldn't be back in our building at the earliest till the summer of '06. So that became an ordeal. And then just having a place to have court at, Baton Rouge initially, the federal court here afterwards, and the two years since I guess we've overcome a lot.

MARGOT ADLER: How would you describe the situation now?

CALVIN JOHNSON: Our building is the only building that was destroyed by the storm owned by the city of New Orleans that is basically 100 percent back. And so our building basically is where it was pre-storm, if not in better shape, in all honesty, than it was pre-storm, the building is. However, the parts of the system are not. The district attorney is not. The sheriff is not.

The public defender is not. The clerk is not. The police are not. The system itself consists of all of its parts, and the parts are not back.

MARGOT ADLER: That's Judge Calvin Johnson joining me from his chambers. Also with me: Stephen Singer, the chief of trials at the Orleans Public Defender's Office, which provides legal representation to indigent defendants. I asked him for his take on the criminal justice system now two years after Katrina.

STEPHEN SINGER: Well I think Judge Johnson fairly accurately captured it, which is that parts of the system such as the court itself are back. Other parts of the system have come back more slowly. One of the things is that the Orleans Parish Criminal Justice System, with all due respect to the judges of the court, was not an ideal system to begin with pre-Katrina, before Katrina occurred. And that was certainly true of the public defender's office. And so one of the challenges has been--much like the levees, the school system, many other aspects of New Orleans--one of the challenges is to try and rebuild not just what existed before Katrina but to make it better, to improve it. So I would say, for example, the public defender's office, while we're nowhere near where we should be as a public defender's office, given the workload in the system, the public defender's office as it exists today is far superior, vastly superior than what existed pre-Katrina. Just for example, pre-Katrina, the public defender's office represented no one from the time of their initial appearance in court, which occurred within 24 hours of their arrest, until charges were filed, which was often 60 to 90 to up to 150 days later. So you're talking two to three to six months without any attorney, and you're talking for two to three months without--oftentimes being incarcerated without any lawyer, without any representation, without any investigation, without anyone to talk to. That no longer happens.

MARGOT ADLER: Judge Johnson, earlier this year one of your colleagues, Judge Arthur Hunter, halted the prosecution of dozens of poor criminal defendants and ordered the release of any who remained in jail. And in his order he wrote: "Indigent defense in New Orleans is unbelievable, unconstitutional, totally lacking in the basic professional standards of legal representation and a mockery of what criminal justice should be in a Western civilized nation." Did this sound about right to you?

CALVIN JOHNSON: We have had, uh, and Steve's alluded to it, but pre-Katrina, historically in the courts in New Orleans specifically, but I suggest to you America generally, issues with the proper representation of indigents. So that problem exists. In Louisiana we have tried to address it and are trying to address it now. But one of the things the legislature did this past session was to create a state-wide system and to create and provide some funds for it.

MARGOT ADLER: Reports by the Justice Department and the National Legal Aid and Defender Association estimate that the New Orleans Public Defender System needs between 60 and 70 full-time attorneys. Steve, you have about half that as I understand, and some of them are pretty inexperienced. Are clients getting adequate representation, Steve?

STEPHEN SINGER: Certainly not all. The answer to that question is no. We are, as we are currently constituted, we cannot and do not provide the effective assistance of counsel to which

each criminal defendant is entitled under our constitution, under the Sixth Amendment. We do not--are not able to provide that to all of our clients. We are only able to provide that to some small percentage of them. We simply don't have the resources. With the 10 brand-new attorneys who are scheduled to start actually representing clients in October, that will bring us up to approximately 35 lawyers, so we currently only have, you know, you're talking about 25 lawyers. By October we anticipate that we'll have approximately 35 lawyers, which is about half what we need for the Orleans Parish Criminal District Court and that just addresses state felony charges. That does not address misdemeanor charges or municipal and traffic offenses, where our problems are far, far, far worse, um, than that in terms of numbers. So, no, if you're poor and you're accused of a crime in New Orleans you--the odds that you are currently going to get the effective assistance of counsel to which you are entitled are extremely low. And there is a significant risk that currently exists that if you are innocent you will nevertheless be convicted.

MARGOT ADLER: I've heard a lot about volunteers. How much of the lawyering that's going on is by volunteers, by law students, at least at this point?

STEPHEN SINGER: At this point very little. The law students in particular and volunteers, especially from elsewhere, were particularly useful, um, during the initial emergency triage period. But now what we need are lawyers who can handle whole cases and take the cases through to completion of the case, either resolving through a disposition, a plea, a trial, or dismissal. And that takes some consistent effort over a period of months to handle a criminal case through the system. And up until very recently the Louisiana Supreme Court had allowed us to operate under a temporary emergency rule, which allowed out-of-state lawyers to practice for periods of months to assist us in working cases through the system. Because of political pressure they recently pulled that rule and eliminated that rule. And so now the number of volunteers or assistance from outside the state, the city and the state, is very low.

MARGOT ADLER: One other thing that I heard was that new regulations say that all public defenders are required to work full time, and in the past many attorneys had private practices on the side. What was behind that decision? I'd like to ask both of you, but I'll start with you, Steve: What was behind the decision and what was the reaction, which I gather was that it got criticized pretty widely?

STEPHEN SINGER: Oh, I don't think it got criticized very widely. I think if you look widely, it was applauded widely. Where it was criticized was very narrowly by those directly affected, particularly some of the criminal district court judges and the lawyers involved. What was behind that decision is that in virtually every standard--national standard--in indigent defense, there are no experts or reports anywhere that exist that advocate for anything other than full-time public defender. Having a part-time practice is inconsistent with a public defender practice in a large, high-volume urban setting. The way it worked in New Orleans was that it created perverse incentives because the lawyers were paid a set salary to handle whatever came through the door in that particular courtroom. And so they got paid the same amount regardless of whether or not they spent two minutes or two hours on a case which created--it creates a financial incentive to spend as little time as possible, move through the cases as quickly as possible, plead them out as quickly as possible and get on to your private practice where you have paying clients.

MARGOT ADLER: I'd like to ask Judge Johnson if he agrees.

CALVIN JOHNSON: This is an interesting point. And I guess there are lots of sides to this. I agree totally with the notion that a public defender--that the public defender should be full time. I agree totally with that notion. I was a public defender. And the idea that one could do that and do it effectively and have a private practice is, at least in an urban setting, is just not the case. The public defenders who were here, those who were here, when you look at how they represented individuals charged with serious offenses, they were very, very effective. But the problem with that is that they were incapable--and this is what Steve alludes to in terms of pleading people guilty-- incapable of representing individuals charged with minor cases. So people charged with the minor offenses got screwed because their lawyers tended to focus most of their attention if not all of it, and most of their effort if not all of it, on those who were charged with the serious crimes.

MARGOT ADLER: That was Orleans Parish Criminal District Court Judge Calvin Johnson. Also with me is Stephen Singer, with the Orleans Public Defender's Office. This is Justice Talking. I'm Margot Adler. We're talking about the criminal justice system in New Orleans. I want to quickly focus on the system of financing for the public defender's office in New Orleans. It's mainly funded through court fees and parking tickets, much of which disappeared when the courts closed and the population fled after Katrina. Steve, it seems like an odd system.

STEPHEN SINGER: It is an odd system. It's a unique system, um, in terms of the way indigent defense is funded in this country. I believe we are the only state now that funds its indigent defense system in this fashion. The last other state that I was aware of was Alabama, but I think they've since done away and changed their system of financing. And it's not a good system. It's a user-fee type system. It's trying to fund a justice system on the backs of the poorest and people in the most difficult of circumstances. And as Judge Johnson has described, the bottom line here is resources. You get what you pay for, and if you pay very little, what you get is not much justice.

CALVIN JOHNSON: That is--and Steve is absolutely correct--to fund a system based on fines or fees or that kind of thing is just not the way to do it at all. You can collect fines and fees, and you can put the fines and fees in a fund and you can use that fund partially to dispense monies out to the various systems, but the state itself must come up with the monies as the very backbone of a system, must come up with the money sufficient to properly fund a system. And, again, it's going to be interesting to see now, as a result of the state-created public defender system down from Louisiana, how this funding stream is going to come. And so that's just something--again, I just can't stop talking about money because it's all about money. I mean it's a function of money.

MARGOT ADLER: And how would you, how do you think the office, both the defenders office and the court system, should be funded?

CALVIN JOHNSON: Well it should be funded by the State of Louisiana. The state should fund the justice system. That's how it should be funded. If you look at Louisiana's constitution, for

instance, there's an article specifically in our constitution that seemingly calls for that. The state is supposed to fund the system, period.

MARGOT ADLER: Judge-- You're both still in New Orleans. I'd like each of you to give me a low point and a high point of the last year: a moment when you wanted to throw in the towel, a moment when you thought, you know, we're going to make this work. I'll start with you, Judge Johnson.

CALVIN JOHNSON: Well, a low point for me, honestly, was I--and this I guess is in the last year--but a low point for me was December of '05 when I had no idea at a point there where my court would even be because I had no place for it. The place we had was closing to us and I had literally no place to go, and the city was just being very difficult in terms of finding a place for us. That was really, really a low point.

MARGOT ADLER: And a high point?

CALVIN JOHNSON: But the high point for me, honestly, is when I come into the ground of my building. And this is just my focus, I suppose, but I come in on the ground of my building in what we call the basement, and I see a building that's almost totally complete. Coupled with that high point for me is the fact that--all respect to Stephen Singer--that the public defenders represent people 24 hours/48 hours after they are arrested, that they are on the ground representing people and that they show up in my court at the point of arraignment telling me that they have been representing the person since day one. That for me is the high point. I never thought in the 31 years that I've been here that I would live long enough to see that. So for me that's a high point.

MARGOT ADLER: Steve, a low point and a high point in the last year.

STEPHEN SINGER: Well, I appreciate Judge Johnson's comments. Maybe this is the high point. Maybe those comments are the high point. But my low point I think was when within several weeks of first starting as the chief of trials at the public defender's office I went to a meeting at the supreme court as part of the criminal justice task force. And there were a number of judges--not Judge Johnson from the Orleans Parish Criminal District Court--who were talking to a number of justices and other people in the system, and what they were talking about in terms of the public defender's office and the courthouse was that they just needed to get everything back the way it was before Katrina hit. And that was a low point for me.

The high point for me so far has been I just recently came back from two weeks in Birmingham, Alabama, with 10 brand-new attorneys, that we spent two weeks in a boot camp-style training, 24/7 training in public defender work in Louisiana indigent defense and criminal law, to bring young, talented, energetic, smart professionals to our city. If we would do that in all areas, not just in the public defender's office or in the criminal justice system, but if we would do that in all areas, our city will come back and will come back better and stronger than it ever was.

MARGOT ADLER: Stephen Singer is with the Orleans Public Defender's Office. Judge Calvin Johnson is with the Orleans Parish Criminal District Court. Thank you both for talking with me.

STEPHEN SINGER: It was a pleasure.

CALVIN JOHNSON: Thank you, Margot.

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MARGOT ADLER: Coming up on Justice Talking:

UNIDENTIFIED MALE: I also service the family as a whole. If bills need to be paid, we try to help all that, giving them something on their bills. We're helping them get school uniforms, making sure that the children are back in school, that they are not out of school, just make sure that they really stay out of trouble. That's our main goal.

MARGOT ADLER: New Orleans is transforming its juvenile justice system, finding new ways to deal with kids who get in trouble. And a reporter who became a victim of crime tells us about her experience of the New Orleans criminal justice system.

UNIDENTIFIED FEMALE: The police took us to the Fifth District Station, two white trailers in a fenced parking lot, tiny outposts in blocks of darkness.

MARGOT ADLER: Stay with us.

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MARGOT ADLER: This is Justice Talking, where we make the connection between law and American life. I'm Margot Adler. On today's show: the criminal justice system in New Orleans. A little later on, a police official tells me how they're trying to make the city safer. When people in New Orleans talk about what's working in the justice system, it's a short conversation, but at the top of everyone's list is juvenile court. Court officials brag that crime done by kids is down 84 percent since the storm. In part that's because they're detaining fewer kids for less time. Molly Peterson reports.

MOLLY PETERSON: After the Broadmoor area of New Orleans flooded, new kinds of crime came flooding in too. At a neighborhood meeting folks talk about salvage thieves who target empty houses, about broken street lights, and how unoccupied places invite unwanted visitors.

UNIDENTIFIED FEMALE: They actually observed a young man going in to the back of an abandoned house and they could see him, I think, from inside their house, counting crack rocks. So it's just like, wow, when they're that blatant about it?

MOLLY PETERSON: You'd want Maggie Carroll next door. A new home owner, she's watching out not just for Katrina crime but also for the petty crimes Broadmoor's always known, some vandalism in stolen cars abandoned now on her quiet street lately. Here some of that's attributed to juveniles, 16 and under in Louisiana. Carroll knows all her neighbors, the young ones too. When kids are hanging around at loose ends, no parents in sight, she talks to them.

MAGGIE CARROLL: These kids, if you don't reach them by the time they're like 12 or 13, and they build this lack of a connect with the community, then they're going to be the ones riding their bikes, testing the door handles.

MOLLY PETERSON: Just as residents are transforming their Broadmoor neighborhood, reformers are working to change the juvenile justice system. Durwin Bunton says it was about time. When Katrina hit he was a lawyer for a youth advocacy group. About 150 kids in detention were left behind for days as the waters rose. Bunton says the system failed them.

DURWIN BUNTON: There was a hotline set up by the criminal court judges and others so that public defenders could call in. Not a single call came in from a public defender worried about where their clients were or how to get their clients connected to their families.

MOLLY PETERSON: That's Bunton's job now. He's head of a juvenile defender's office, new this year, independent from the adult system. And while adult courts were backlogged, juvenile court closed out thousands of cases in the months after the flood. These days they're holding fewer kids for shorter periods of time. When youth detention finally reopened last year, Orleans Parish had just 20 beds in the facility. Instead, now the courts are investing in electronic monitoring and shoe leather, checking up on kids at home. Youth advocate Graylin Mitchell says he's called "Mr. Go-get-'em." Each day he sees up to a dozen families whose children have active cases, but not by appointment. He says the sneak attack works best. Besides, he says, he's responsible for more than just kids.

GRAYLIN MITCHELL: I also service the family as a whole. If bills need to be paid, we try to help all that, giving them something on their bills. We're helping them get school uniforms, making sure that the children are back in school, that they are not out of school, just make sure that they really stay out of trouble. That's our main goal.

MOLLY PETERSON: We pull into a trailer park in New Orleans East around six on a sweltering night. Our target is Devon, 14 years old, shuffling over with his hands deep in baggy jeans. Mitchell had a report Devon was out after curfew threatening someone last night.

GRAYLIN MITCHELL: The lady that you have a stay-away out on called Mr. Walker and said that you came to her house threatening her again.

DEVON: Man, I was nowhere around there. She's lying, man.

GRAYLIN MITCHELL: I'm going to verify it in a little while.

DEVON: I swear to Jesus I didn't.

GRAYLIN MITCHELL: Don't swear to Jesus. Please don't.

DEVON: I'm not lying, I swear.

GRAYLIN MITCHELL: Where's your mama at?

MOLLY PETERSON: The trailer window behind him is cracked. When Devon gets mad he throws things. He shares that trailer with seven siblings, his uncle, and his mom, 32-year-old Demetrius.

DEMETRIUS: He minds me when he wants to.

MOLLY PETERSON: She's hoping the check-ins keep Devon on the straight and narrow. He hasn't been in trouble before but he's been on a tear lately.

DEMETRIUS: But they're not giving up on him. They're really dealing with him, you know? So it's a really good program for him. And in the last two weeks I've been seeing him progressing a whole lot.

MOLLY PETERSON: Using alternatives to detention saves money. Juvenile court chief judge David Bell says so does good planning. Two years ago the court didn't know which kids committed which offenses where. But since then they've been keeping track. Now Bell says they're using data to locate what are called "evening reporting centers," places kids who've committed lower-level crimes will report to instead of jail.

DAVID BELL: And so initially we said we need it right here because this is where the crime occurs and then our policy analyst said well let's look and see where the kids live. And when you think about it, well, if we can find out where they live and place a center there we can keep them out of the area that they commit the crime in.

MOLLY PETERSON: Reformers are also developing a first ever risk assessment, a list of objective criteria that law enforcement will use to decide if a kid needs to be detained. Bell says it's another way to make juvenile justice more just.

DAVID BELL: We're using data and information to determine where to strategically place a piece that positions us to place the next piece. We're patchworking it, but we like to think that with our patches we're creating a quilt.

MOLLY PETERSON: Bell says as hard as it is to admit the problems, it would be disastrous to ignore them. For Justice Talking, I'm Molly Peterson in New Orleans.

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MARGOT ADLER: While observers see promise in the juvenile justice system, the New Orleans Police Department is still short of resources and widely criticized. New Orleans Police Department Assistant Superintendent Marlon Difillo joins me now. Welcome to Justice Talking.

MARLON DIFILLO: Good to be here. Thank you.

MARGOT ADLER: Earlier this summer a spokesman for the NOPD told the U.S. Senate that law enforcement in the city is so underfunded, undermanned, and underequipped that the system faces imminent collapse. This as the murder rate rises to the highest in the country. What's happening?

MARLON DIFILLO: I tell you, over the last year and a half, close to two years, we have seen a marked change in how the police department functions. We still have a tremendous amount of challenges ahead of us. However, if you look at where we are today in comparison to where we were, let's say, a year and a half ago, we've made tremendous improvements. And when I say improvements, I'm talking about as far as stabilizing our attrition rate--

MARGOT ADLER: Yeah, because I heard that was pretty high. I heard that you're still losing quite a number of people.

MARLON DIFILLO: Not as many as we used to. Right now we're averaging probably anywhere between 8 to 10 a month, which is still relatively high, but in comparison to a year and a half ago when you're talking about 20 to 25 people. So we've seen a stabilization with respect to officers. Recruiting side, we've seen an increase in the number of recruits who are interested in joining the New Orleans Police Department. With respect to equipment, the department has seen an influx of equipment coming into the department of technology. So we're certainly in the right direction. Now, when you talk about the infrastructure of the department, those are the challenges. We are still trying to get police officers out of trailers into their district stations. We are still working on opening up police headquarters, which is currently being renovated as we speak. So I am very optimistic. I think six months from now I can come back and report that things are looking even better.

MARGOT ADLER: What do police officers need that they don't have right now to do their job?

MARLON DIFILLO: I think if I had to identify one issue with respect to the police officers is getting them back into a police environment and I'm talking about district stations, and I'm talking about getting them back into police headquarters, those types of infrastructure things that we need to operate. The officers are doing a great job right now and they're working very, very hard, but I think that will probably be the number one issue at this point.

MARGOT ADLER: Do you have a functioning crime lab at this point?

MARLON DIFILLO: Yes we do. And of course the crime lab is not 100 percent because we are still outsourcing some of our work. However, the crime lab is operational. Now the DNA side is still, uh, not up and running 100 percent because we're outsourcing those types of exams. But when you talk about other types of analysis that has to be done, those are functioning.

MARGOT ADLER: You've been talking about the need to sort of beef up the ranks of the police. I gather there are about 1,400 police officers to fight crime right now in your--

MARLON DIFILLO: Little bit over 1,400.

MARGOT ADLER: And you're looking to go to what, 2,000, something like that?

MARLON DIFILLO: No, right now 1,600, because we're budgeted for 1,600 police officers. At some point in time in the future there will be discussions, uh, to appropriate, hopefully appropriate dollars to get to that level. But right now we're budgeted for 1,600.

MARGOT ADLER: Now I've heard that there are a number of people who say there are plenty of police. There's a very high ratio of police for the size of the population. What's important about having a larger force?

MARLON DIFILLO: Well, I think having resources, having the ability to be creative in your enforcement efforts, to think outside of the box, to shift your personnel without impacting a certain segment of a geographical area of the city--so it's always good to have more police officers, because you can do more things with more police officers. Now, let me just--with that said, everyone has to understand that we have to address the root causes of crime. As you know, we are a part of the solution of making sure we have a crime-free society. But you have to look at the root causes, and many of the problems that we see in this community and across America, urban America, are social problems. So we have to start looking at and addressing those issues, which we hope will have an impact on crime.

MARGOT ADLER: I gather that one of the real issues between the police and the community is trust. Police regularly complain that they can't get witnesses to testify. They can't get members of the community to provide information about a crime in the neighborhood. Apparently many residents in high crime neighborhoods will say, oh, the police are worse than the criminals. You know, what do you do about this and is that situation worse than it was before the storm, the same?

MARLON DIFILLO: No. I would say that it's getting better, because I am the commander of the detective bureau and every chance I get I go into the community on crime scenes and talk with the public. And the public that I'm speaking with want to help the police department. They want to be a part of the process. What the superintendent has done is to take police officers out of the cars and put them into the community on foot patrol. And if you look at community policing, that's one of the strategies of the success with community policing program, is to get the officers out of those cars into the community, interacting with the public, get to know the people that they serve. And we're starting to see people coming forth and helping police because there is a relationship that's developing.

MARGOT ADLER: At the moment you're not alone there. You've got the National Guard. You've got state and federal law enforcement officers. All these people are here, I guess, to help make the city safer. With such a high presence of law enforcement, not only the police, but all these other entities, why is the crime rate so high?

MARLON DIFILLO: Well, you know, people talk about statistics and they talk about the population, how many folks are in New Orleans, and are we the murder capital of the nation with the--based on the population. And I don't want to get into statistics, but I will say that we have had a segment of the community return back to New Orleans for the wrong reasons. But I will

say that the vast majority of the people who returned to New Orleans are here because they care about the city. They want to be a part of the rebuilding effort. And they want to make New Orleans their home. I think that you will see, as time goes on, that you will see that number decline in terms of the violence, in terms of the criminal element in the community. And I say that because of the working relationship that we now have with the district attorney's office, the working relationship that we now have with the court. I think we've come to a pivotal point in the criminal justice system for everyone to recognize that it's so important for us to work together and to be united in our effort to fight crime. And I think if we continue on that path you'll see some successes.

MARGOT ADLER: New Orleans Police Department Assistant Superintendant Marlon Difillo, thank you so much for talking with me today.

MARLON DIFILLO: My pleasure, thank you.

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MARGOT ADLER: While police officials like Difillo are expressing hope for the future of New Orleans, reporter Eve Troeh tells her story of how hard it can be to hold onto that hope.

EVE TROEH: The police showed up faster than I expected after the 911 call. On our way home from a concert my roommate and I were attacked by a stranger. My car was stolen in the ordeal and we ran down the street to the nearest refuge, a dive bar. It sounds trite but bless the barflies of New Orleans who keep the place open late. We waited for help in the stockroom.

Two New Orleans police officers and a detective showed up in a matter of minutes. But that's not all. Our eclectic, gentrified neighborhood is also patrolled by the National Guard. So in addition to the squad cars, a military Humvee pulled up with two young lanky soldiers in camouflage. It was my first reminder that the system here is not fully functional.

The police took us to the Fifth District Station, two white trailers in a fenced parking lot. That's it. That's what dozens of officers who cover six large neighborhoods have to work with. Much of the district is still devastated and abandoned. The trailers felt vulnerable, tiny outposts in blocks of darkness. Inside was cramped. There was no private area for me to make phone calls. No separate rooms for the officers to interview victims or interrogate suspects. And no bathrooms, just those green plastic stalls outside.

The detective in my case had to fax an urgent form as part of the investigation. The fax machine in the trailer didn't work, so she drove a mile away to a McDonald's and used the one there. She told me she's had to do that several times. Her determination was impressive at every turn. Police shouldn't have to rely on the kindness of strangers, much less a fast-food franchise to do their job. I was amazed that someone was actually arrested in my case. In post-Katrina New Orleans, I'm told that's rare.

I went to a press conference last month where Police Superintendant Warren Riley gave an update on his department. I asked him when the Fifth District would be out of trailers.

WARREN RILEY: Our Fifth District Station there has seen zero progress as related to that building being repaired, demolished, or restored. When you talk to FEMA, it's one thing. You talk to the state, it's something else. So it's a bureaucratic quagmire that continues to stifle the city.

EVE TROEH: Meanwhile, some people are not waiting for the government. In another district, a businessman donated 4,000 square feet of corporate office space for a new police station, great for his neighborhood but not a viable solution for the whole city. As for my case, it's moved on to the district attorney's office. Their offices also flooded. So they work out of a cramped, rented space. Files are piled everywhere on folding tables. The assistant D.A. assigned to my case warned me that he probably won't be on it long. The D.A.'s office has such high turnover he'll likely be called to fill in somewhere else. I have no idea what that could mean for my case: maybe months of delay or details slipping through the cracks.

My interaction with the system has changed the way I see New Orleans. I think of those tiny white trailers in the darkness and I don't feel safe. I feel like the city doesn't have my back. There is promise in the extraordinary efforts of individuals who've sewn a patchwork safety net for the city, but it's not enough. And until I see more permanent solutions put into place, I won't be living in New Orleans.

MARGOT ADLER: That was Eve Troeh, former resident of New Orleans.

To learn more about the criminal justice system in New Orleans, go to our website, [justicetalking.org](http://justicetalking.org).

While there you can post on our message boards, learn more about our guests, and sign up for our free podcast. And check out our blog, where many of the nation's leading commentators give their views on law and American life.

Thanks for listening. I hope you'll tune in next week. I'm Margot Adler.

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