

POLICY HIGHLIGHT #3

RIGOROUS CASE SCREENING



ISSUE OVERVIEW

Screening Divisions are arguably the most unfamiliar and underappreciated units of our nation's District Attorney's Offices. Ideally, **screeners act as discerning gatekeepers**, deciding which arrests should result in criminal charges and – just as importantly – **which should not**.

Unfortunately, the philosophy of our recent Orleans Parish District Attorneys has been one of **over-prosecution in both culture and practice** in which screeners are not encouraged to be gatekeepers but rather serve as mere **rubber stamps**. It is all too common for the Screening Division to accept charges without regard to whether they can be proven beyond a reasonable doubt or whether the evidence underlying the charges was obtained legally, thus reinforcing a pernicious police mentality that almost every single arrest is legitimate.

For example, the current District Attorney has set an **artificial goal** of accepting at least 90% of charges sent to his office by the police. As a reference, other Louisiana District Attorneys typically accept 60-75% of cases. A policy that requires a certain minimum percentage of cases be accepted – regardless of the quality or quantity of evidence in these cases – means that many charges being pursued are **at least frivolous, if not unconstitutional**. Indeed, the extreme acceptance rate of our current and previous District Attorneys is a large reason that New Orleans is a global capital for exonerations of the wrongfully convicted. This policy can also have disastrous results in the form of resources wasted, courts **over-burdened**, and **justice delayed**, not to mention **over-incarceration**, and we have regrettably seen this exact situation play out in our city.

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Moreover, over-prosecution **does not yield public safety benefits**. In fact, it limits the focus that prosecutors can direct towards the most serious crimes. And the indiscriminate pursuit of relatively minor misdemeanor offenses like trespassing and loitering **contributes to the cycles of poverty** that are often associated with recidivism.

In direct contrast is a **reform-minded philosophy** that gives actual meaning to the “discretion” part of the term “**prosecutorial discretion.**” Discretion is just that – knowing how and when to use the powers with which one has been entrusted – and in the prosecutorial context, **thoughtful and complete case screening is a prerequisite** to its use and a means to reduce the overwhelming burdens currently being placed on all actors in our criminal legal system, from Assistant DAs to Public Defenders to the courts. Prosecutorial discretion in the hands of a District Attorney whose true goal is justice, and not raw case acceptance numbers, can be what makes him an effective steward of taxpayer resources and places his office at the vanguard of the movement for true safety and justice.

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POSITION SUMMARY

As Orleans Parish District Attorney, Jason Williams will:

- 1** Prioritize safety for families and children by focusing on the most serious crimes, and do away with artificially high case acceptance rates in the Screening Division, and instead implement a rigorous screening process that seeks to determine if the evidence in a given case both (1) supports the charging of a crime and (2) was legally obtained.
- 2** Train screeners to be attentive to cases that may involve drug addiction or mental health issues, and filter those cases out as appropriate to be handled by diversion and specialty courts.
- 3** Utilize the screening process to obtain evidence, as intended, rather than indiscriminately filing charges first and obtaining evidence afterwards.
- 4** Divert misdemeanors like trespassing and loitering and other “quality of life” offenses that are associated with poverty and do not pose a public safety threat, so that the behavior is addressed but not allowed to clog court dockets.
- 5** Decline cases built on racial profiling or other police abuse.
- 6** Wherever possible and when necessary in the first place, seek to have marijuana offenses charged in Municipal Court rather than Criminal Court.
- 7** Properly staff the Magistrate Division so as to provide additional opportunities for the exercise of prosecutorial discretion during the pre-charge process.
- 8** Set filing goals that balance the need for complete investigations with the need for prompt charging decisions, with the aim to have any necessary charges filed well before the statutory time limits provided in the Code of Criminal Procedure’s speedy trial provisions.