

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/using-diversion-to-leverage-justice-system-reform>

Public Facing Advocacy Writing

Note: LEAD is an arrest diversion program that offers an alternative to jail and prosecution for people who otherwise would be charged with offenses such as drug delivery, drug possession and prostitution. Does this reinforce the criminalization of behavior such as sex work--or can LEAD contribute to an eventual shift away from unnecessary stigma and punishment? Recent experience by the team designing a LEAD-aligned police diversion effort in New Orleans may shed light on this question.

This post originally appeared on the LEAD National Support Bureau newsletter.

In New Orleans, people arrested for prostitution should have the opportunity to be diverted.

Until recently, however, most were arrested and charged with state misdemeanor or felony prostitution, making them unable to access social services and other assistance through [Crossroads](#), our municipal court prostitution diversion program. In 2014, [Women with a Vision](#), in collaboration with former [Chief Judge Desiree Charbonnet](#), the New Orleans City Attorney, and the Orleans Parish Public Defenders office, developed and launched Crossroads, an innovative, harm reduction-based diversion program that has reduced re-arrests and failures to appear and improved the health and wellness of those able to gain entry.

In 2016, the Vera Institute of Justice, with support from the John D. And Catherine T. MacArthur Foundation and the Bureau of Justice Assistance, identified people at risk for arrest on non-violent municipal charges who'd be better served by a public health intervention through something like LEAD. While we ramped up planning and got ready to launch a small pre-booking diversion pilot in the fall of 2017, we worked closely with Women with a Vision and New Orleans Police Department leadership to create and implement a policy instructing officers that if they had to arrest someone for prostitution and take them into custody, they should use the municipal or city charge, instead of the harsher state misdemeanor or felony charges. Since the implementation of the policy in May of this year, New Orleans has seen a significant reduction in both arrests and lengths of stay in the jail, as well as a dramatic shift in the use of the municipal charge.

Between February 17, 2017 and May 10, 2017, there were 57 arrests for prostitution, or an average of 0.7 arrests per day. Of those, only one went to municipal court (2 percent); 56 went to Criminal District Court (a striking 98 percent); and on average, each person spent 21 days in jail. The total number of bed days occupied for these arrests was 1,220 over a period of 81 days, which means an average of 15 beds each day.

After the policy went out department-wide, from May 11, 2017 through July 31, 2017, there were 33 total arrests for prostitution or an average of 0.4 arrests per day. Of those, 30 went to municipal court (91 percent); only three went to criminal district court (9 percent); and their average length of stay dropped to eight days in jail. The total number of bed days for these arrests was 270; or an average of 3.3 beds each day, down from 15.

As a result of our collaborative efforts, during this period we've seen a 95 percent reduction of prostitution cases going to the higher court, and a 62 percent reduction in the average length of stay for persons facing prostitution charges. When the pre-booking diversion pilot launches, municipal prostitution will be eligible for diversion to intensive case management instead of being booked into jail. This early success gives us hope for continued progress toward reducing the harm of arrest and providing an effective, community-based intervention that will improve public health, safety, and order in New Orleans.

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