



U. S. DEPARTMENT OF JUSTICE

STATEMENT

OF

**JIM LETTEN
UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA**

BEFORE THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

CONCERNING

**“VIOLENT CRIME AND THE CRIMINAL JUSTICE SYSTEM
IN NEW ORLEANS FOLLOWING HURRICANE KATRINA”
PRESENTED ON
JUNE 20, 2007**

**STATEMENT
OF
JIM LETTEN
UNITED STATES ATTORNEY
EASTERN DISTRICT OF LOUISIANA
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
CONCERNING
“Violent Crime and the Criminal Justice System
in New Orleans Following Hurricane Katrina”
June 20, 2007**

Chairman Leahy, members of the Judiciary Committee, I am Jim Letten, United States Attorney for the Eastern District of Louisiana. It is a distinct honor to be here before you as the United States Attorney, as the ranking Federal law enforcement official in the Eastern District of Louisiana, representing the outstanding men and women of my U. S. Attorney’s Office and Federal law enforcement. On their behalf and on a personal note, I thank you for your continuing commitment and support to all of our offices, and especially to the critical rebuilding effort during a very historic, difficult, and challenging time for our State, the city and the region.

Our U. S. Attorney’s Office immediately implemented its Continuity of Operations plans and reestablished itself as a viable entity following our dislocation from the City of New Orleans as a result of Hurricane Katrina. This speedy and highly efficient reconstitution and coordination was accomplished as a result of extraordinary commitment and teamwork by many individuals, including U. S. Attorney General Alberto Gonzales, the office of the Attorney General, the Deputy Attorney General, and the Executive Office for U. S. Attorneys (EOUSA), as well as an unparalleled sacrifice and commitment by Middle District of Louisiana (Baton Rouge) U. S.

Attorney David Dugas and his very fine staff. Operating from our temporary headquarters in Baton Rouge, the men and women of the New Orleans' office efficiently maintained the functions of their home office, as well as a satellite office in Houma, Louisiana, thanks to the generosity of numerous other Department of Justice components and U. S. Attorneys' Offices throughout the United States. Determined to stay abreast or ahead of demands on our office and the U. S. Department of Justice, as we anticipated the population returning to the city and the recovery beginning in earnest, after spending four months operating primarily outside the district, our office relocated fully operational in our present quarters in the Hale Boggs Federal Building and Courthouse complex in downtown New Orleans by January 1, 2006.

In fact, between Hurricane Katrina's landfall on August 29, 2005, and April, 2006, the City of New Orleans and much of Jefferson, Plaquemines, and St. Bernard Parishes were virtually depopulated (or at least under-populated). In addition to the population decreases, New Orleans has lost many large and small corporations and businesses over the years.

I. Crime in the City of New Orleans

Prior to Hurricane Katrina, the City of New Orleans (limited to Orleans Parish) grappled with one of the highest per-capita homicide rates in the United States. In fact, just months before Hurricane Katrina struck, at the Mayor's Crime Summit breakfast, I warned that the viability and even survival of the city would depend on the ability to control and reduce violent crime; to control and deter corruption (which, along with violent crime, had contributed to an enormous talent drain); to build a viable public school system (especially for those poor and unprivileged children in Section 8 and public housing); and to build and diversify the economy of the City which had been losing businesses and job opportunities over recent decades.

The U. S. Attorney's Office, coupled with our Federal law enforcement partners — ATF, DEA, FBI, and the U. S. Marshals Service — along with our local partners — including the New Orleans Police Department, Jefferson Parish Sheriff's Office, and others — aggressively pursued the Administration's and the Department's violence-reduction goals under the collaborative priority partnership known as Project Safe Neighborhoods (PSN) from its inception. In seeking information and answers, we tend to look to statistics. However, for a variety of reasons, *reliable* statistics have been somewhat elusive, especially post-Katrina. Officially-released NOPD statistics suggest a numerical downturn in Calendar Year (CY) 2006 homicides in New Orleans when compared with the first three quarters of 2005, citing 53 recorded homicides in the first three quarters of 2006 compared to 68 in 2005, for an *apparent* reduction of homicides of 22% for that period.

However, as we reported to the U. S. Department of Justice and to Gulf Coast Recovery Chairman Donald Powell's staff, NOPD's second quarter murder statistics for the city was published at 39 homicides (for an estimated population of roughly 220,000) versus 69 murders for second quarter 2005 (for an estimated population of 450,000). Using even these figures, it is clear that, at best, by the second quarter of 2006 — when the population began to return in earnest — the homicide rate in New Orleans was every bit as bad, and perhaps even somewhat worse, as it was the previous year when we led the nation.

Using NOPD-provided homicide statistics, in CY 2005 (the year in which Katrina struck, effectively emptying the city in August and thereafter), the city reported 211 homicides, with a population of roughly 450,000 inhabitants for the first three quarters. Using the same NOPD indices, the city in CY 2006 following Katrina, experienced 161 homicides. It is important to

note that while the population of the city during the first three quarters of 2005 (pre-Katrina) was 450,000, the last quarter saw a dramatic population decrease. Similarly, during the first quarter of CY 2006, most of the population had not returned, at least until April, after which, for the remaining three quarters of the year, the city had an average population of perhaps 220,000.

While homicides were 65, 69, and 68, respectively in the first three quarters in 2005, only 9 occurred (predictably) following Hurricane Katrina. Moreover, the first quarter of 2006 produced only 17 homicides with 38, 53, and 52 respectively for each of the subsequent quarters reflecting the population return to the city. Statistics, however, can be confusing or even misleading. For instance, a realistic comparison between the first quarter of 2007 with 48 homicides against the first quarter of 2006 with only 17, while suggesting an enormous spike, is unrealistic, given the fact that much of the city's population had not yet returned until the second quarter of 2006.

Conversely, a comparison of the first quarter of 2007 (at 48) with the last quarter of 2006 (at 52) is far more realistic unfortunately suggesting a relatively undiminished rate.

The population return under conditions wrought by Hurricane Katrina, including the destruction of 80% of the City through flooding, exacerbated the crime problem. It is worth noting, however, that the final published number of homicides for New Orleans for 2006 was 161. This final figure, of course, indicates an increase in the number of post-Katrina homicides commensurate with population return. A significant population of migrant workers, the exact number of which can only be estimated, reaching perhaps between 30,000 and 60,000 on any given day, must be considered when determining contributing factors and stresses upon local, State, and Federal law enforcement.

As of June 13, 2007, there have been 84 homicides in Orleans Parish since the beginning of 2007.

II. Causes of Crime in the City of New Orleans

In addressing the violent crime problem, we look primarily to drug, firearm-related crime, and immigration cases affecting and contributing to local challenges simply because they are all interrelated.

A. Drugs

I must stress that, save in extraordinary cases, all of our Federal drug cases are against distributors because simple possession of controlled substances is a misdemeanor under Federal laws. Many of these distributors are directly or indirectly involved in street-level violence in the City and in the region. Indeed, the drug trade in New Orleans has, since effective prosecution and interdiction in the 1980s and early 1990s, transitioned to a low-level, street trade for the most part, primarily engaged in by young males from housing developments and poor neighborhoods, who either alone or in very loosely-knit, non-structured groups sell drugs and violently engage one another and settle disputes with firearms.

The violence in the streets is generally the result of actions by individuals who, although armed because they are involved in the drug trade, nevertheless also tend to settle non-drug-related disputes violently. Importantly, the vast majority of homicides and other violent offenses, including rape, armed robbery, assault, and property crimes, must be handled by the local criminal justice system because they cannot be connected to a chargeable Federal offense or do not otherwise fall within Federal jurisdiction.

B. Immigration Related Crimes

One cannot ignore the fact that after Katrina, New Orleans overnight became a “frontier” or “border” town, initially bereft of much of its indigenous population; with a largely poor and uneducated indigenous population returning to destruction and a shortage of available housing and educational opportunities; with enormous additional pressure from a growing population of transient/migrant laborers, many of whom are illegal, and numbering perhaps between 30,000 and 60,000. It is certainly worth noting that outstanding and successful efforts by the U. S. Marshals Service and the U.S. Immigration and Customs Enforcement (ICE) have yielded excellent results in direct response to this phenomenon of a transient population. In fact, as indicated hereinafter, the U. S. Marshals Service has been very successful and aggressive in seeking and arresting hundreds of violent fugitives on felony charges as part of the U. S. Marshals Service Crescent Star Fugitive Task Force. Beginning in October, 2006, the existing Task Force has been augmented by USMS investigators and analyst as part of the Attorney General’s Violent Crime Initiative.

C. Gangs

Although plagued by increasing violence, New Orleans does not suffer, and has never suffered, a “traditional” gang problem. That is, although, post-Katrina offenders identified with certain organized (in some cases Central American transnational) gangs have been observed, identified, or otherwise arrested for various State/local offenses, we do not believe that any of these large, structured organized gangs (or any other organized gangs for that matter) are operating as such in the area. However, the presence of these individuals suggests a very small forward presence of certain elements to determine if the area is fertile for organized gang activity

to flourish — hence, our extraordinary vigilance through the intelligence-sharing process utilized by FBI, DEA, ATF and the U. S. Marshals Service, along with our local partners.

There is a relatively small cadre of ruthless, violent offenders who without the benefit of an adequate family or educational system have grown up in a culture of poverty, despair and violence; and who obtain, use, and sell illegal drugs for quick, easy profit. Penetrating these groups, for many reasons, has proven difficult at best, if not impossible under most circumstances. We have made positive strides *on the Federal level*, in investigating, arresting, indicting, and prosecuting many of these individuals, and thereby getting them off the streets.

D. Problems Unique to the Gulf Region Post-Katrina

The crime problem here is the result of an *extremely* complex landscape including:

- A returning population consisting of thousands of poor individuals with inadequate, unsafe housing; inadequate skills, education, and employment opportunities; and serious drug and related problems.
- Thousands of returning poor are “squatting” in large recently-flooded areas of the inner city, often in filthy, unlivable conditions, causing alarm even at NOPD HQ levels based upon observations by responding police officers that “at midnight responding to calls in these areas we will sometimes see hundreds of individuals sitting on the sidewalk, on doorsteps, or just walking around with nothing to do....”.
- A struggling system of schools which is not providing sufficiently strong alternatives to returning school age children, which may be contributing to juvenile crime problems.
- Returning drug dealers and violent criminals have chosen to come back to New Orleans in order to attempt to exploit the highly dysfunctional local criminal justice system, including its notorious “revolving door”.
- A separate population of between 30,000 and 60,000 transient/migrant workers, many of whom are illegal in the area

Further, despite a committed, competent, reform-minded police superintendent, with dedication to rebuild the police department, NOPD suffers a number of debilitating problems, including:

- A steady hemorrhaging of experienced, competent officers to other departments and agencies.
- A lack of adequate reporting/computer/database equipment for tracking of cases and intelligence.
- A shortage of adequate jail space (both adult and juvenile), and an equal shortage of qualified individuals to act as prison guards in both Orleans and Jefferson Parishes.
- Overcrowding in non-flooded sections of New Orleans and adjacent Jefferson Parish on the West Bank of the Mississippi River (Algiers) resulting in high-crime hot spots there.

III. The Law Enforcement Response Post-Katrina

In 2006, the U. S. Attorney's Office charged a total of 358 individuals with drug, violent crimes, firearm and significant immigration offenses.

- 196 individuals were indicted for Federal drug distribution felonies;
- 71 defendants were charged with violent crimes and firearms offenses;
- 91 defendants were charged with immigration felonies (many of whom were prior convicted aggravated felons);
- 267 individuals were charged with drug and/or violent firearm offenses in 2006. In comparison with the previous year (2005), our office produced 32 more indictments,

despite the fact that only half the population of pre-Katrina New Orleans had returned.

Additionally, having indicted 29 individuals with immigration felonies in calendar year 2005, our office more than tripled that number in calendar year 2006 with 91.

Further, caseload data extracted from our systems establish that our violent crime prosecutions (including firearms charges) increased by a solid 32% in 2006 over 2005, producing a 98% conviction rate. Our similar data shows a 100% conviction rate in immigration offenses and a 10.3% increase in drug cases filed, with an effective 100% conviction rate.

Looking retrospectively, between the first of January 2006 and June 6, 2007, our office has indicted no less than 358 individuals on violent crimes and firearms related felonies. Moreover, during that same period we have indicted 708 individuals on drug-related felonies as well. These statistics, of course, do not include the hundreds of other individuals charged with other offenses, ranging the entire Federal criminal spectrum from corruption to white collar offenses, to child pornography and exploitation, to Katrina fraud and the like.

Moreover, thanks to the extraordinary competence and dedication of the fine men and women of Federal enforcement (including our own U. S. Attorney's Office as well as FBI, DEA, ATF, U. S. Marshals Service, ICE, Secret Service and others), our office produced literally hundreds of notable, significant cases against violent offenders, drug dealers and firearm-related offenders in 2006. That very aggressive trend, which is the result of our concerted, unabated efforts to get more and more drug and violent crime cases charged in the Federal system continues into 2007 to this very date.

Statistics do not even begin to tell the positive story of Federal enforcement — or perhaps more importantly — our groundbreaking partnerships with our local brethren in our ever-changing, ever-increasing battle against crime in post-Katrina New Orleans.

To be sure, nowhere is the serious and unwavering commitment of the Federal government more evident than in the presence of the U. S. Attorney General.

Simply stated, since Hurricane Katrina occurred a little more than a year and a half ago, Attorney General Alberto Gonzales has personally visited the city on no less than six occasions. Moreover, in the days, weeks and even months immediately following Hurricane Katrina, I personally spoke with the Attorney General and staff members regarding our unique difficulties, challenges and solutions on a daily basis. That collaborative communication continues to this day, and continues to produce results.

As evidence of our commitment to work in an exemplary partnership with our State and local law enforcement agencies and our commitment to combat violent crime, in September, 2006, (following an August visit by Attorney General Gonzales to New Orleans in which he met face to face with local law enforcement leaders) the Department of Justice allocated additional Federal resources to New Orleans, including additional Federal agents to FBI, ATF, and the U. S. Marshals Service, as well as additional Assistant U. S. Attorneys.

A. Additional Prosecutors

Our office received the benefit of the assignment of six additional prosecutors from various U. S. Attorney's Offices and Main Justice components around the country, on six-month details to assist in our increasing Federal investigations and prosecutions. Those details were re-authorized by the Attorney General in January of 2007, and we now have the extended benefit of seven additional detailees, for a total of 13, who continue to produce significant results.

During the first six-month cycle, in addition to supporting our Assistant U. S. Attorneys in working on myriad other existing cases, our statistics show those first six Special Assistant U. S. Attorneys opened 84 new matters, and indicted 48 additional defendants on serious felony charges, mostly related to violent crime, firearms offenses and immigration cases. The second

group of detailees has already opened roughly 60 significant federal cases and has returned indictments against some 40 defendants.

Additionally, as the direct result of specific funding and authorization provided by the Attorney General in August, 2006, our U. S. Attorney's Office has hired an additional nine Assistant U. S. Attorneys to serve on our staff. These AUSAs are tasked with the investigation and prosecutions of similar violent crime, firearms and immigration offenses, as well as Katrina fraud-related and other offenses.

B. Bureau of Alcohol, Tobacco, Firearms and Explosives

During that August visit, the Attorney General additionally announced the assigning of four additional ATF Special Agents to New Orleans to supplement the Violent Crime Impact Team (VCIT), in order to focus on reducing gun crime through Federal prosecutions and assistance to the New Orleans Police Department. These agents and existing task force officers were assigned the mission of identifying and pursuing recidivist offenders considered the "worst of the worst" and who reside and operate in certain high-crime areas.

The Attorney General also announced that ATF was re-launching its highly successful 24-hour ATF gun hotline which allows citizens to report illegal gun use and possession of firearms responses.

Pursuant to the Attorney General's support for the reestablishment of ATF Hotline, the New Orleans Field Division together with the U.S. Attorney's Office, has used an aggressive and successful advertising campaign to publicize the local hotline number, resulting in hundreds of tips, many of which have led to the arrests of violent offenders.

One recent, notable example of a significant ATF investigative success, together with the U. S. Attorney's Office and Jefferson Parish Sheriff's Office, as well as U. S. Secret Service, was the arrest of three individuals - who owned or worked at Elliott's Gun Shop just outside Orleans Parish, for various federal felonies, including aggravated identity theft, wire fraud and for colluding with straw purchasers and assisting in the forging of signatures on ATF forms for the purchase of weapons by prohibited persons.

Swiftly putting these additional resources to work, a ramped-up effort to take increasing pressure off of the local district attorney's office, (which suffered some 3,000 Rule 701 releases of arrested defendants last year as a result of that office's not having brought charges within the prescribed 60-day period and another 2,100 plus releases to date), and in an effort to charge more firearm and drug offenders — particularly in urban high crime or “hot spots” around the city, small teams of ATF, DEA, and FBI agents have partnered with members of NOPD. Our purpose is to make these Federal agents more readily available to local officers, to identify cases which are subject to Federal jurisdiction, to charge them whenever possible in the Federal system and to provide the necessary investigative assistance to make Federal arrests and follow up with Federal prosecutions. Beginning in earnest during the first week of February, this new initiative has produced some 80 additional individuals arrested on Federal drug distribution and firearms charges, 65 of whom have been indicted, with 22 having already been convicted. To date, all but two of these individuals remain detained in Federal custody.

C. Federal Bureau of Investigation

The FBI's recently-launched violent crime intelligence initiative gathers information on violent criminals from partnering agencies (both State and Federal), develops and maintains “the

most violent offenders” list, and routinely distributes that information to Federal, State and local law enforcement for action. Specifically referred to as the “New Orleans Joint Agency Metropolitan Area Violent Crime Strategic Assessment,” this important and detailed intelligence product is the result of the FBI’s very aggressive and forward-leaning violent crime intelligence initiative. Providing a panoramic view of the violent crime landscape, it evaluates the totality of violent criminal activity from organized gangs to affiliated individuals. Furthermore, recognizing the continued violence associated with the return of neighborhood gangs, violent conflict over turf and drugs, and increasing violence crossing parish boundaries, this important intelligence product explores not only the identities and characteristics of the offenders but also the nexus between drug trafficking, violence and guns, which it identifies as focus for source identification and case resolution.

D. Drug Enforcement Administration

In addition to this FBI intelligence effort, DEA, ATF, and NOPD have recently initiated an intelligence effort aimed at violent crime reduction and titled the “Targeted Offenders Project,” with three primary objectives. The first goal is for all NOPD arrests for murder, armed robbery, and illegal possession of firearms since Hurricane Katrina to identify violent repeat offenders eligible for immediate Federal prosecutions for weapons violations. The second goal is to collect, analyze, and collate all documentary evidence seized from these suspects and their organizational associates, where appropriate. Finally, the project will identify emerging violent gangs, conspiracies, or organizations operating in the New Orleans Metropolitan Area for targeted enforcement action.

Additionally, DEA's Divisional Intelligence Group (DIG) has sponsored Federal law enforcement analytical training in New Orleans for NOPD's Criminal Intelligence Bureau (CIB). Prior to this process, the CIB officers had no formalized intelligence training. This DIG has worked with CIB to determine needs, establish priorities and develop data bases to manage information gathered through field interview cards.

DIG is also working with Crimestoppers to develop actual intelligence on drug-related hotline complaints.

E. United States Marshals Service

The Attorney General further announced the assignment of four additional individuals - three Deputy U.S. Marshals and one support person to supplement and support the highly-successful Crescent Star Fugitive Task Force, which partners with the New Orleans Police Department, St. Charles and Orleans Parish Sheriffs' Departments, Louisiana Probation and Parole, and U. S. Coast Guard, to locate and arrest violent felony fugitives across the thirteen parishes comprising the Eastern District of Louisiana.

In addition to extending the assignment of the three Deputy U.S. Marshals to the Crescent Star Fugitive Task Force, the U.S. Marshals Service has doubled its efforts in conducting periodic fugitive roundups, and its Technical Operations Group (TOG) has provided assistance to and has prioritized cases from that task force, routinely providing Federal, State, and local agencies with support in electronic surveillance, aerial surveillance, communications, and analysis and intelligence related fugitive investigations. The mission and accomplishments of the U. S. Marshals Service are a critical component of the Federal enforcement effort, particularly inasmuch as fugitives account for a large percentage of violent crime committed in

any jurisdiction. This is particularly problematic in New Orleans and its environs which, by virtue of a resurgent population (in certain areas), and a significant, largely anonymous population of migrant workers (many of them illegal aliens), the area potentially provides a possible safe haven for fugitives to blend among the itinerant work force. Since the Attorney General's New Orleans multi-component initiative was officially kicked-off in October, 2006, the USMS Crescent Star Fugitive Task Force (previously referenced) has, over the last 30 weeks, arrested no less than 380 violent fugitives on felony charges, including 12 individuals wanted for murder, and 22 listed on the New Orleans Police Department's most wanted list.

Moreover, and most importantly, during the week of June 4, 2007, Deputy U. S. Marshals in New Orleans apprehended 2 individuals wanted for child abduction and safely recovered the seven year old victim. Stated simply, by taking these violent offenders off the streets of New Orleans, the USMS continues to contribute a great deal to addressing the crime emergency in New Orleans.

Additionally, the USMS Crescent Star Fugitive Task Force has provided extensive training to State and local partner agencies to address the new challenges facing law enforcement in New Orleans in the post-Katrina environment, including entry techniques for mobile homes (such as FEMA trailers), "shotgun" houses, debris piles, abandoned buildings, and other structures, further supplemented by canine training, building entry, fugitive apprehension, and firearms training. This much-needed training has significantly helped State and local law enforcement decimated by the hurricane.

The USMS, as with so many other leading federal agencies in New Orleans, continues to contribute more than its share to crime prevention. Indeed, members of the service have been

intimately involved in working with Special Agents from ATF, as well as NOPD and the Orleans Parish Sheriff's Department in the successful and ongoing GREAT program. GREAT (Gang Resistance Education and Training) Family Programs are designed to reach children at young, impressionable ages where they can be effectively educated about the dangers of drugs, gangs and violence, and steered away from those dangers. The GREAT Family Programs are also gearing up for active participation with local faith based organizations and other prevention groups for the coming summer.

It is also worth noting that despite an increased burden on the USMS district operation in terms of prisoner population and productions, resulting from the increase in Federal prosecutions, the USMS continues to meet the challenges effectively.

F. Community Funding

The Attorney General has announced additional resources to rebuild communities and to provide for the public safety of our citizens including:

- providing up to \$30,000 for funding to assist in the establishment of a police athletic league as a result of grants from the Justice Department's Bureau of Justice Assistance and Office of Juvenile Justice and Delinquency Prevention.
- providing additional funds to help establish Safe Havens for children in three New Orleans Weed & Seed sites, including Treme, Central City, and Algiers/Bywater (which will expire at the end of this month - June, 2007).
- re-establishing Boys and Girls Clubs of America destroyed by Hurricane Katrina with funding provided through the Bureau of Justice Assistance and Office of Juvenile Justice and Delinquency Prevention.

IV. Continuing Support by the Department of Justice

During the last week of January, Attorney General Gonzalez returned to New Orleans and announced yet additional Federal resources to help combat the recent increase in violent

crime in the city, citing the efficiency, power, and effectiveness of Federal law enforcement in getting and keeping violent offenders off our streets without permitting them to return to terrorize our citizens. These additional resources will continue to support State and local law enforcement officials who are struggling to meet the challenges of fighting violent crime here in the city.

A. Renewed Commitment of Law Enforcement Resources

First, the Attorney General, as I previously indicated, authorized the extension of funding for seven Federal prosecutors detailed as Special Assistant U.S. Attorneys to our office through the end of this fiscal year.

Second, ATF was authorized to provide six special agent details (an increase of two from the original four details dispatched in August) to supplement the six ATF special agents permanently assigned to the New Orleans VCIT, temporarily doubling the standard ATF manpower assigned. Additionally, ATF has obtained critical new equipment to replace the National Integrated Ballistics Identification Network (NIBIN) equipment that had been deployed at a New Orleans Police Department site but was destroyed by Katrina flood waters. That NIBIN equipment is waiting to be placed into service to support the New Orleans Police Department. Presently, technicians recently funded by the U. S. Department of Justice from various area crime labs are assisting NOPD in doing essential ballistics analysis. Once the NIBIN equipment is fully integrated into the new crime lab, NOPD will be able to link with over 200 sites throughout the country to compare ballistics information in helping to solve and reduce violent crime by linking together cold crimes and recovery weapons where previously very few, if any, leads existed.

ATF continues to produce numerous significant cases against dangerous offenders. Specifically, since the initial arrival of the VCIT detailees at the end of August, our U. S. Attorney's Office has indicted 105 defendants on firearms charges as a result of cases made by these ATF special agents. In fact, since our last Congressional testimony before the House Subcommittee on Crime, on April 10, 2007, 24 defendants have been indicted by our office as a result of ATF action.

In addition to these numerous cases, the VCIT agents detailed to ATF have worked on cases adopted by the U. S. Attorney's Office and ATF from NOPD in numerous cases, including proactive investigations of armed drug traffickers, complex historical cases of armed drug organizations, such as the "Brothers In Arms" cases resulting in multiple life sentences, and investigations of crime gun suppliers, including the successful investigation and prosecution of individual involved in the theft of guns from a prominent sporting goods store in the New Orleans area.

The FBI, which received additional agents in support of this effort, continues to support NOPD and other local enforcement, as well as the larger federal effort in three areas, including operations, intelligence, and community outreach. Nine additional FBI agents were assigned to the New Orleans area to supplement the thirteen FBI agents previously assigned to its Violent Gang Safe Streets Task Force. This Safe Streets Task Force works very closely in support of NOPD in criminal enterprise investigations, and has been very successful in helping to take out violent drug distribution elements throughout the city. Agents are assigned to each district and are involved in the development of sources and T-III wiretaps, with FBI having developed 50 human sources which report routinely on drug and gang activity.

The FBI staff supports training to the New Orleans Police Department on Project Pinpoint, an innovative technique allowing FBI and law enforcement partners to map location of crimes, bench warrant information, tips from the public, and source coverage, in order to connect the dots and utilize intelligence efficiently.

Additionally, highly qualified FBI special agents from around the United States have been specifically recruited to work in the field side-by-side with NOPD to assist in the investigation of current homicides and “cold” cases and to determine the existence of any Federal elements that would permit a Federal homicide charge. These special agents are embedded in NOPD space and work on every homicide case. Upon arrival, the homicide clearance rate stood at 19%. Now, with FBI assistance, the clearance rate is approaching 60%. These special agents will remain at the NOPD Homicide Unit throughout the summer and return to their respective field offices in mid-September. Following that re-deployment, the FBI will assign on a full time basis, two FBI special agents to NOPD Homicide.

Following Katrina and Rita, and recognizing that the threat landscape would likely change, the FBI re-established and hosts the successful, multi-agency Violent Crime Intelligence Center (VCIC). The VCIC is comprised of agents from the FBI, as well as officers from NOPD, Kenner Police Department, and St. Bernard and Jefferson Parish Sheriffs’ Offices. Together, they produce strategic and tactical assessments, and distribute these assessments to other law enforcement to help them understand and respond to the current threat. With the previously-referenced influx of tens of thousands of migrant workers, the FBI, together with all of our partners, were concerned about the possible migration of Latin and transnational gangs to the New Orleans area. Within a few days of early intelligence conferences sponsored by the FBI,

area law enforcement agencies were making arrests of individual members who, by their identifying characteristics, were associated with various Latin gangs, notably MS-13, the Latin Kings, Southwest Choloes, Vatos Locos and 18th Street Gang, permitting FBI's VCIC to produce a threat assessment as a result of their presence. To date, we do not have evidence that any of these gangs are organizationally operating as enterprises in the area, although we remain vigilant.

The additional personnel assigned to the U.S. Marshals Service Crescent Star Fugitive Task Force were further extended.

Special agents of the DEA were temporarily provided with authority to investigate and enforce all Federal criminal laws, in addition to Federal drug laws, effectively allowing DEA agents to assist New Orleans Police Department in maintaining law and order in the City of New Orleans on a broader scale than ever before. Seventeen locally assigned DEA Special Agents were embedded with specialized NOPD units. Seven Special Agents were initially assigned to the Crime Abatement Team (CAT) which focuses its efforts on reducing violence in crime "hot spots." Seven additional DEA Special Agents were embedded with units of the NOPD's Special Operations Division which performs not only SWAT functions, but also responds to high risk situations. Three Special Agents were additionally assigned to NOPD's Major Narcotics Unit, in order to ameliorate a recent NOPD personnel turnover.

Presently, as a result of internal monitoring of the effectiveness of the tactical deployments of agents with NOPD, and in consultation with U. S. Attorney's Office and other federal agencies, DEA (as with ATF) continues to demonstrate responsiveness and flexibility by modifying its arrest tactics and changing assignments of agents in the field with NOPD, in order to achieve maximum efficiency and quality of federal cases.

DEA's partnership with NOPD to address the rising violence situation in one of the city's "hottest" area known as Central City, located within the Sixth District, led DEA to commit a High Intensity Drug Trafficking Areas (HIDTA) Task Force group consisting of four Special Agents, along with ten NOPD detectives to focus on violent drug traffickers operating in this area. Additionally, the DEA New Orleans Divisional Intelligence Group (DIG) participates in regular Joint Operations Command (JOC) meetings with our partners in federal and state law enforcement, and together with the HIDTA intranet-based intelligence system gathers and shares important intelligence and information on criminal activities in the area.

To date, DEA Special Agents and Task Force officers have participated in the arrest of 783 defendants on federal and state drug charges and have seized 127 firearms. Moreover, since the inner city cooperative deployment beginning at the end of January, they have participated in the arrest of over 40 defendants on federal drug and weapons charges with law enforcement partners, and have assisted NOPD in the arrest of over 400 individuals for state and local violations as well.

B. Victim's Programs

Also in January, as a result of the commitment of the Attorney General, the Department of Justice provided funding for our United States Attorney's Office to recruit, identify, and hire two highly competent professionals to augment an already well-established, highly efficient victim witness team in order to provide for protection, relocation, counseling, and other assistance to victims and witnesses of crime, both in the United States Attorney's Office, and in local prosecutors' offices such as the New Orleans District Attorney's Office. That process is currently underway.

C. Violence Against Women

The Attorney General announced that the Department of Justice is committing up to \$3 million in Federal funds to address domestic violence and sexual assault in the City of New Orleans and surrounding parishes. The Acting Director of the Department's Office on Violence Against Women (OVW) has spearheaded an effort to build a broad community partnership to determine the best way to address the needs of victims in New Orleans. In particular, this community partnership is exploring using the funding to create a family justice center, based upon a successful model established in San Diego and other cities across the United States. To date, an extraordinary partnership of federal, state, local, private, community and faith-based actors has worked with an unprecedented level of collaboration to plan for a family justice center. In addition, in order to help victims before any such center could open, these partners have identified a temporary location where they can provide co-located victim and criminal justice services in the immediate future. This site is targeted to open on August 28.

D. Criminal Justice System

The Attorney General also focused on the extraordinary efforts by the U. S. Department of Justice to rebuild the local greater New Orleans criminal justice system in its entirety.

Following an initial meeting in Baton Rouge, Louisiana, in November, 2005, this USAO took the lead in constructing, guiding, and participating in what we have called the Southeast Louisiana Criminal Justice Recovery Task Force. That Task Force was constructed based upon my personal request to Louisiana Supreme Court Justice Kitty Kimball to chair four working groups which we built and which are active and productive to this day: the Judicial (courts) working group, chaired by Justice Kimball; the District Attorney working group, chaired by

Louisiana District Attorney's Association Director Pete Adams; the Law Enforcement/Police Recovery working group, chaired by New Orleans businessman and Police Foundation founder John Casbon; and the Corrections Systems working group, chaired by Louisiana Secretary of Corrections Richard Stalder. That Recovery Task Force, as a result of great leadership on the part of the working group chairs (and especially Justice Kimball, who has emerged as its defacto overall Chair), as well as those of DOJ (and in particular BJA), thrives to this day, and remains one of the few forums in which the various State and local justice/judicial agencies communicate directly with each other on sensitive issues affecting the entire system.

E. Bureau of Justice Assistance Grants

As the direct result of our construction of this task force, we brought in BJA which, in May of 2006, signed grants distributing over \$58 million to Louisiana law enforcement agencies, some \$47 million of which went directly to needy agencies (e.g. NOPD and Jefferson Parish Sheriff's Office) in the greater New Orleans area. For example, NOPD received approximately \$5 million; the New Orleans District Attorney over \$3 million; the Orleans Parish Criminal Sheriff almost \$14 million; the New Orleans Public Defender almost \$3 million.

V. Measurable Progress

Despite a slow recovery our Criminal Justice Recovery Task Force has, through sheer will, periodic meetings, and leadership of the working groups, produced some improvements to the criminal justice system since its organization, and in particularly the last few months.

A, New Orleans Police Department Solutions and Innovations

- NOPD has achieved a necessary, money-saving, and significant reduction in the costly and wasteful issuance of thousands of unnecessary subpoenas in pending criminal matters by providing a centralized location for the receipt of subpoenas for all officers.
- NOPD officers continue to receive much-needed training (previously supplied by our USAO, together with our Federal investigative partners) on more efficient report writing to reduce the number of officers needed to appear for judicial proceedings, thus freeing more officers for enforcement missions.
- Improvements have been made in handling and transporting of evidence from the flooded Clerk's Office (where much evidence was lost, damaged, and disordered).
- As the direct result of proactive problem-solving by our U. S. Attorney's Office and the U. S. Department of Justice, the U. S. Department of Justice has currently allocated approximately \$500,000 to help secure the employment of critically-needed crime lab technicians to support NOPD. These individuals are now actually working in the NOPD newly-occupied crime lab at the University of New Orleans Research and Technology Park. The Department has, since Katrina, operated without its own crime lab having been forced to access, where possible, the crime labs of surrounding jurisdictions. NOPD's recovery is in large measure dependent upon obtaining its own crime lab space and personnel. To that end, through our own personal efforts, the Department of Justice has helped, along with Gulf Coast Recovery Chairman Donald Powell's office, the New Orleans

Police and Justice Foundation, and FEMA, to secure a contract between the city and the University of New Orleans Foundation, which, through an initial three-year lease, has now provided NOPD with its own state-of-the-art crime lab.

Currently, that crime lab is 50% operational, and should be operating at 100% upon delivery of the remaining equipment by early August, 2007.

- Finally, as a result of extraordinary coordination efforts by our office and our partners within the Louisiana State Police, Jefferson Parish Sheriff's Office, as well as Plaquemines and St. Bernard Parish Sheriffs' Office, NOPD and those partners now have interoperable field communications systems.

B. Criminal District Court Clerk's Office

- Necessary evidence for criminal cases has been much more effectively and efficiently cleaned and restored.
- The previously cumbersome and almost impossible process for prosecutors to access and view evidence by prosecutors has been revamped, allowing them to get earlier and better access to evidence stored by and in the Clerk's Office.
- Plans for better, more accessible and safer storage of evidence are being implemented. For instance, at a recent Southeast Louisiana Criminal Justice Recovery Task Force meeting, we successfully fostered a dialogue in which the decision was made to utilize above ground storage for evidence (which heretofore still had been maintained at ground level and subject to flooding) for criminal district court evidence.
- Improved inventory control methods for storing and retrieving evidence have been implemented.
- Some necessary positions in the Clerk's Office have been restored.

C. New Orleans District Attorney

- As a result of efforts through BJA and the State of Louisiana, increased pay has been provided for the hiring and retention of competent assistant district attorneys.
- As a result of a specific plan and funding of \$3 million from BJA, a former Federal prosecutor and cadre of experienced prosecutors have been hired with Federal monies to improve and speed up screening of previously-arrested cases.
- As a result of the same BJA funding and planning by the Department of Justice and Task Force members, a small career criminal bureau of experienced state prosecutors has been assembled with the mission of handling difficult and demanding cases and training other prosecutors.
- As the direct result of Federal government intervention, in February, the District Attorney's Office announced the implementation of operational reforms in order to increase efficiency. Specifically, in a multi-part plan, the DA, together with and supported by the Police Chief, announced the commitment by the District Attorney to reduce Rule 701 pre-charge releases by permitting his prosecutors to file bills of information against drug offenders based upon positive field tests. The field test training and over 2,400 of the actual presumptive field tests kits have been supplied by DEA to NOPD as a direct result of this important resolution in order to make possible the utilization of this valuable investigative and prosecution tool. Additionally, a previously-formalized and dysfunctional communication dynamic between the District Attorney's Office and the New Orleans Police Department is reportedly being changed, and replaced with a regular case screening/tracking, prioritization and review process, which (if actually implemented) should contribute measurably to reducing pre-charge releases.

D. Criminal Courts

- The Criminal District Court building has been largely restored, allowing judicial proceedings and trials to be held in the main building.
- Plans are underway for improvement to the existing computer system for case tracking and management.

- Many necessary court employee positions have been restored.
- Notwithstanding severe limitations, some juvenile detention space for housing of juveniles (presently twenty beds) has been achieved with efforts to increase juvenile justice underway.

E. Indigent Defense (Public Defenders)

- Currently underway are plans to completely re-vamp the inefficient indigent (public) defense system.
- An attempt to improve communication with the other elements of criminal justice system is underway.

F. Corrections/Prisons

- After a long absence of any juvenile detention facilities, and as a direct result of a newly formed juvenile justice initiative and partnership which the U. S. Attorney's was instrumental in forging, over fifty juvenile beds will soon be available for juvenile detention , an increase from twenty beds approximately a month earlier.
- Acceleration to renovations to the prison system and the courthouse are the direct result of communications with the city and the local Director of Homeland Security, thus helping to increase the city's efficiency in moving along federally-funded renovation contracts.

G. Joint Operations Command

Immediately following the deployment of 300 National Guard Troops and 60 Louisiana State Police Troopers to New Orleans (to augment and support NOPD's efforts) in June, 2006, I called together the heads of all Federal agencies, as well as NOPD Superintendent, State Police Superintendent, and National Guard Adjutant General and Field Commander, in order to reestablish the Joint Operation Command (JOC which we successfully utilized as an operational

control mechanism in New Orleans post-Katrina), which continues effectively operating to this date, meeting bi-weekly. As a result of bi-weekly face-to-face meetings, agencies operating in support of NOPD throughout the City of New Orleans and its environs, provide briefings, share intelligence, and deconflict investigations, in order to ensure efficient, non-conflicting operations of all law enforcement entities operating in the area.

In December 2006, Governor Blanco announced the decision to allow deployed National Guard Troops and State Police Troopers to remain (at present strength) in New Orleans through June, 2007, which reversed a reversal of a recent decision to pull those out on January 1, 2007.

H. Public Housing Initiative

The U. S. Attorney-led Public Safety Housing Initiative (PHSI), initially started and funded by \$600,000 in discretionary funds which came through our USAO last year has been successful in yielding numerous State/local arrests in the high crime area on the West Bank of New Orleans where Orleans Parish (Algiers) meets Jefferson Parish (including Gretna, Westwego and Marrero). It is important to note that cooperative efforts have yielded (between May, 2006 and the end of November, 2006), the following:

- The extraordinary work of that Public Housing Safety Initiative Task Force — comprised of cross-deputized members of the New Orleans Police Department, Jefferson Parish Sheriff's Office, Gretna Police Department, and Plaquemines Parish Sheriff's Office — continues to produce results. For instance, from the time of its inception, on May 10, 2006, through March 1, 2007, 832 arrests were made, within a total of 264 separate cases. 264 of those were drug related; 273 were felonies; 148 were misdemeanors.
- Seized drugs include: crack cocaine (638 grams), heroin (46 grams), and cocaine (289 grams), as well as other drugs such as marijuana, MDMA, methamphetamine, and other controlled substances.

- Importantly, an analysis of the criminal histories of the 829 suspects which were stopped by task force members between May of 2006 and July 2006, reveal that 79 percent had previous felony arrests, with 28 of those subjects having previously been arrested for murder, some on multiple occasions. Additionally, 42 firearms were seized, 17 of which were in the possession of convicted felons. 10 juveniles were arrested with firearms, with 26 individuals arrested who were probation and/or parole violators.
- Finally, although the \$400,000 portion of the \$600,000 originally allocated to the PHSI Task Force has been exhausted (with \$200,000 reserved for prevention), the task force continues to operate, with the 2007 PSN Grant Selection Committee having just recommended that all 2007 Anti-Gang Initiative Grant Funds go toward this already well-established task force.
- The PHSI Task Force is not limited to enforcement, however. Two community programs which focus on at-risk youths has been, in part, a product of the funding of this grant. Leveraged with funding from non-profit organizations and donations, to youth programs, Future Leap Assessment Test Takers (FLATT), and the Gulf South Summer Youth Action Corp programs were funded and supported as well.

NOPD has agreed to accept technology and assistance from the Jefferson Parish Sheriff's Office which would provide a usable defendant and case-tracking database. Elements of that system are already being installed and utilized.

I. Programs to Address Juvenile Crime

Having perceived a desperate need to address juvenile justice issues within the city, we in the U. S. Attorney's Office for the Eastern District of Louisiana brought together numerous community leaders with a stake in addressing juvenile crime, public safety, quality of life, education and crime prevention, in February, 2007. To that end, our office initiated meetings between these leaders at our office producing a dynamic and diverse group which meets to exchange ideas, plan strategies, coordinate solutions, catalog opportunities and gain ground in

effectively addressing juvenile issues for the short, mid and long term. This extraordinary group is comprised of:

U. S. Attorney's Office
DOJ Community Capacity Development Office (CCDO)
DOJ Office of Juvenile Justice Delinquency Programs (OJJDP)
DOJ Bureau of Justice Assistance (BJA)
DEA
FBI
ATF
Gulf Coast Recovery Chairman Donald Powell and his staff
Department of Homeland Security
FEMA
Louisiana Supreme Court
Louisiana Commission on Law Enforcement
City of New Orleans
Orleans Parish District Attorney's Office
Orleans Parish Juvenile Court (Judge David Bell)
New Orleans Police and Justice Foundation
Greater New Orleans After School Program (Gina Warner)
New Orleans Recreation Department (NORD)
Jefferson Parish Recreation Department (JPRD)
Youth Empowerment Project
Catholic Archdiocese of New Orleans
Catholic Charities
University of New Orleans
Baptist Ministries
New Orleans Jewish Federation

Broad groundbreaking coordination of multi-agency and private summer and after-school activities for at-risk youth is therefore currently underway. Spearheaded by Gina Warner (of the Greater New Orleans After School Program) and Father William Maestri (of the Catholic

Archdiocese of New Orleans), we are actively engaged in identifying youth program needs and coordinating, deconflicting, building, and seeking funding for programs provided by numerous public, private and faith-based entities, in order to provide for maximum coverage for thousands of children in the city and its environs this summer.

In fact, as part of this effort, at a press conference two weeks ago Lt. Governor Mitch Landrieu and I were in New Orleans to announce a new federal/state/local partnership that will keep our young people engaged and challenged to reduce incidents of youth violence over the summer months. Approximately 150 AmeriCorps* VISTA members are now serving with local agencies to provide enrichment programs, academic tutoring, and recreational activities for 4,000 children and youth in New Orleans as a result of an unprecedented effort of the Federal Coordinator for Gulf Coast Rebuilding, Chairman Don Powell and David Eisner, CEO of the Corporation for National and Community Service, the agency that administers AmeriCorps. The almost \$1 million investment by CNCS will fund the VISTA living allowance for the summer, as well as cover their housing costs at the University of New Orleans.

J. Orleans Parish Information Sharing and Integrated System (OPISIS)

As a result of a DOJ grant of over \$900,000, the New Orleans Police and Justice Foundation is helping to facilitate and build a critically needed Orleans Parish Information Sharing and Integrated System (OPISIS Project). This system project was established to build and implement an integrated information system which makes possible the collection and availability of accurate information for all elements of the local criminal justice community while maintaining appropriate security and privacy standards for various entities within that community. Governed by an executive board overseeing its planning, implementation, operation

and management, the governing structure also includes a technical steering committee and a business process advisory committee, with the New Orleans Police and Justice Foundation serving a neutral facilitator on the board and subcommittees, and acting also as a reliable fiduciary agent for this initiative. A DOJ-sponsored technical assistance site visit was conducted in August, 2006 producing the goal of developing a comprehensive information sharing solution to provide data integration between and across Orleans Parish criminal justice agencies, which will overcome the present inability to accurately track cases in the system. These objectives include, in Phase One:

1. Establishment of an electronic subpoena system (benefitting NOPD, Sheriff, the District Attorney, clerks and courts);
2. Court tracking system to allow for better management of court dockets;
3. Electronic arrest reporting for NOPD, with the capacity to electronically submit in real time arrests reports to the DA and Criminal Sheriff;
4. Improved evidence managements systems and coordination between NOPD and the Clerk of Court;
5. General data cleaning throughout the system to maximize accuracy;
6. Identifying the functional requirements for Phase Two integrated solutions.

VI. Conclusion

In conclusion, let me say that despite our somewhat necessary reliance on statistics in measuring crime and our efforts against it, we will never reach a point at which we believe **any**

homicides or violent crime — however reduced — are acceptable number for our city or our region.

In the near term, we must and will continue to bring any and all available resources to bear to assist New Orleans, and where appropriate to federally-charge violent and potentially violent offenders, including drug dealers. Because the vast majority of crimes being committed on the streets of New Orleans do not fall within Federal jurisdiction, it is absolutely imperative that all entities which comprise the constituent parts of the State and local criminal justice systems operate at maximum efficiency.

Stated simply, those competent, dedicated and committed public officials, elected and appointed, who serve our citizens, whether members of the judiciary, law enforcement, corrections, legal defense or other offices, must be provided with the funds, material, personnel, strategies, tactics and solutions to overcome the myriad complex challenges they face in order to operate at maximum efficiency.

Additionally, we must build not only the finest educational system for our youth and especially our poor who cannot afford parochial and private education but we must also provide them with safety and security, to permit them to avail themselves of job opportunities here and elsewhere. Those job opportunities must come through our continued zero-tolerance for corruption in all levels of government, whether law enforcement, the judiciary, legislative or executive branches. We must reverse the debilitating exodus of our bright young minds, our corporations and our businesses. We must, through establishment of public safety and building of first-rate public education, attract and hold onto diverse forms of industry including

manufacturing, petrochemical and transportation. However, at the end of the day, we can only achieve these things if we first establish a safe environment for our people.

As I have said before on numerous occasions, the myriad and often daunting challenges facing New Orleans and the region in the wake of Katrina cannot be ignored, neglected, excused or written off as inescapable post-Katrina phenomena. Indeed, most of these challenges pre-existed Katrina by years, and were simply accelerated to critical mass by shifts, changes, and challenges in that tragic storm. In fairness, those challenges are exponentially worse now due to our damaged economy, population, and infrastructure.

However, the fact that the City of New Orleans does truly face unprecedented challenges, obstacles and outright struggles across the social, economic, and governmental spectrum, does not mean that the city is facing its own apocalypse. It is not. Nor can the advances that we are making in many areas be seen as a signal that all is well. In truth and in fact, we are in the midst of neither collapse nor redemption. We are embroiled in a long-term struggle in which a severely challenged city now must be rebuilt from the pilings up. For one of the nation's and even the world's greatest cities, failure is simply not an option. We must and will continue to fight, for only then with true commitment, integrity, vision and patience will we prevail.

I am proud and honored to be a part of what I believe to be a team of extraordinary people who demonstrate each day that we are and will remain equal to the task and the mission with which we have been entrusted.

I welcome any questions the Members of the Committee may have.

* * * *