



**Orleans Parish Prison
Inmate Population Snapshot
July 24, 2013**

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Prepared By:

**THE METROPOLITAN CRIME
COMMISSION, INC.**

1615 POYDRAS STREET, SUITE 1060
NEW ORLEANS, LA 70112
TELEPHONE 504/524-3148
FAX 504/566-0658
www.metrocrime.org

Executive Summary

As Orleans Parish Prison (OPP) prepares to open a new 1,438 bed jail in early 2014, the Metropolitan Crime Commission provides the following analysis of the prison's inmate population for consideration in the deliberations on the size of an additional Phase III jail facility.

An examination of July 24, 2013 OPP inmates demonstrates that Orleans Parish had inmate populations well beyond the functional capacity of the Phase II 1,438 bed facility now under construction:

- The July 24, 2013 inmate population was 2,437 and comprised of 2,167 or 89% felony offenders.
- 1,694 or 70% of inmates were being held pretrial in the process of resolving pending charges against them.
- The 1,438 bed facility can house approximately half of the July 24, 2013 inmate population, which would not provide enough space for all inmates required to be held in OPP and all pretrial inmates with pending felony charges in Orleans Parish Criminal District Court.
- 868 inmates that were required to be housed in OPP were convicted felons with open pending charges, inmates awaiting transfer to another state institution, inmates held pursuant to an appeal or court order, inmates on probation or parole holds, and inmates sentenced to serve time in OPP.
- Of the 385 DOC inmates held for probation or parole holds, 302 were there as a result of being arrested for a new felony while on probation or parole.
- 173 inmates were housed in OPP to allow them to participate in state funded reintegration programs designed to improve offender transitions into society and reduce recidivism.
- The largest group of inmates was felony pretrial inmates in jail pending resolution of state felony charges including 605 charges with violent and weapons felonies and 415 charged with property, drug, and other felonies.
- 157 or 6% of inmates were held for unresolved state misdemeanor, municipal, or traffic charges, and 96 or 4% were serving time for municipal convictions.
- 219 inmates were held for out of parish violations, including 85 held under a contract with Plaquemines Parish that is set to expire in December of 2013.
- Due to the need to separate different types of inmates (e.g., males/females, juveniles, mental health evaluation), at least 10% to 15% of a jail's beds are unused at any given time which results in a functional capacity of 1,222 to 1,294 inmates that can be housed in a 1,438 bed facility.

Analyzing the July 24, 2013 inmate population of 2,437 reveals that most OPP inmates are convicted or charged with felony crimes, and a 1,438 bed jail will not adequately meet anticipated inmate capacity needs for the foreseeable future.

Additional jail facilities are needed to provide for public safety in Orleans Parish. The City of New Orleans has the opportunity to leverage Federal Emergency Management Agency funding to construct a jail that humanely and constitutionally houses inmates and meets public safety needs for decades into the future.

OPP Snapshot July 24, 2013

Exhibit 1 below shows the total inmate population of OPP on July 24, 2013 broken down into different categories. Information about inmates is generated from data for each inmate that was provided to the MCC by the Orleans Parish Sheriff's Office (OPSO).

Exhibit 1: July 24, 2013 Inmates Categories by Gender

	Female	Male	Total
Department of Corrections Inmates			
Re-Entry Program	0	100	100
Work Release	0	62	62
Community Service	0	11	11
With Pending Charge(s)	6	126	132
No pending charge(s), no special program*	5	181	186
TOTAL DEPARTMENT OF CORRECTIONS INMATES	11	480	491
Pretrial/Unsentenced			
Municipal Unsentenced	19	90	109
Traffic Unsentenced	4	20	24
State Pretrial Unsentenced	100	909	1009
Unsentenced Parole Hold	12	152	164
Unsentenced Probation Hold	26	195	221
Juvenile State Pretrial Unsentenced	2	33	35
Plaquemines Parish Pretrial	7	78	85
Out of Parish Warrant	25	92	117
Out of Parish Attachment	2	15	17
TOTAL PRETRIAL/UNSENTENCED	197	1,584	1,781
Sentenced			
Sentenced Municipal	12	84	96
Parish Sentenced	5	26	31
TOTAL SENTENCED	17	110	127
Department of Health and Hospitals	2	22	24
Hold	0	8	8
Extradition	2	4	6
Total Inmate Population	229	2,208	2,437

Source: Orleans Parish Sheriff's Office

* Post-sentence inmates waiting to be transferred to DOC, inmates on writs or appeal, etc.

OPP housed 2,437 inmates on July 24, 2013 of which 2,208 or 91% were male and 35 or 1% were juvenile. In total, 89% were in jail under felony charges, and the remaining 11% were held under misdemeanor, municipal, or traffic charges.

Examining the reasons inmates were in jail shows that 70% were pretrial awaiting resolution of pending charges, which includes DOC inmates, probation and parole holds, state pretrial, and traffic and municipal unsentenced inmates. Another 15% were DOC inmates without pending charges or participating in

reintegration programs. The remaining 15% were sentenced to jail time in OPP, held on out of parish charges, or for the Department of Health and Hospitals, on court hold, or awaiting extradition.

The following examination of charges against inmates and criminal justice agencies under which inmates are in custody can illustrate the inmate population of OPP on a given day.

Inmates Required to be Housed at Orleans Parish Prison

Broadly, inmates can be divided into two categories: those for which the OPSO has no discretion but to retain custody of an inmate and inmates housed with some degree of discretion by the sheriff, judiciary, or law enforcement. The MCC classifies inmates as required to be housed at OPP when they are in custody pursuant to court orders, writs, attachments, and appeals or at the direction of Department of Corrections (DOC), including probation and parole holds. Exhibit 2 reflects inmates required to be housed in OPP.

Exhibit 2: July 24, 2013 Required Inmates

	Female	Male	Total
DOC Inmates With Pending Charge(s)*	6	126	132
DOC Inmates With No Pending Charges, No Special Program*	5	181	186
Unsentenced Parole Hold	12	152	164
Unsentenced Probation Hold	26	195	221
Sentenced Municipal	12	84	96
Parish Sentenced	5	26	31
Extradition/Hold/Department of Health and Hospitals	4	34	38
Total Inmates Required to be Housed at OPP	70	798	868

Source: Orleans Parish Sheriff's Office

* Status of pending charges verified through the Docket Master system

There were 318 DOC inmates in OPP required to be housed in OPP. The 132 DOC inmates with pending charges are those with open charges being prosecuted in Orleans Parish Criminal District Court. The 186 DOC inmates without pending charges include recently convicted inmates awaiting transfer to a DOC facility and inmates with other pending matters in Criminal District Court (i.e., writs, appeals, witnesses in other cases).

There were 127 inmates sentenced to serve time in OPP for a municipal conviction (96) or a conviction for a state charge (31). A Municipal Court or Criminal District Court judge ordered these inmates to serve their jail sentences within OPP.

An additional 38 OPP inmates were awaiting extradition to other states (6), on a court ordered hold (8), or under mental health evaluation by the Louisiana Department of Health and Hospitals (24).

The vast majority of the 385 probation (221) and parole (164) hold inmates are held in OPP pending the prosecution of new felony charges. Exhibit 3 presents the most serious charges listed as pending against probation and parole violators at the times of their bookings into OPP.

Exhibit 3: July 24, 2013 Charges Listed Against Probation and Parole Holds

Most Serious Pending State Charge	Number of Parole Violators	Number of Probation Violators	Total
Homicide	7	11	18
Felony Rape/Sex Offense	4	5	9
Attempted Murder	4	4	8
Robbery	9	17	26
Felony Battery/Assault	4	14	18
Felony Firearms Violation	27	36	63
Burglary	8	9	17
Felony Theft	7	13	20
Drug Distribution	36	35	71
Felony Drug Possession	17	17	34
Other Felony	6	12	18
Misdemeanor State Charge	7	12	19
Warrant/Attachment/Other	28	36	64
Total	164	221	385

Source: Orleans Parish Sheriff's Office

A total of 302 of the 385 inmates on a probation or parole hold were being held pending resolution of new felony charges against them. This includes 79 accused of violent felonies such as homicide or robbery and 63 accused of felony weapons violations. Thirty-seven (37) were accused of burglary or felony theft, and 105 were accused of a drug distribution (71) or felony drug possession (34). Eighteen (18) were charged with other felony crimes such as criminal damage or failure to register as a sex offender.

Sixty-four (64) probation and parole holds were based upon traffic or municipal attachments, warrants from other jurisdictions, or other violations of conditions of their probation or parole releases. Another 19 probation and parole holds were held on state misdemeanor charges.

Inmates Not Required to be Housed at Orleans Parish Prison

The inmate population depicted below in Exhibit 4 is discretionary insofar as these inmates are not court ordered or legally mandated to be housed in OPP. The OPSO has the discretion to refuse to accept custody of the optional DOC population and the Plaquemines Parish inmates. All other optional categories of OPP inmates are there largely as a result of bail orders by the New Orleans judiciary, arrests by the New Orleans Police Department, and/or charges accepted for prosecution by the Orleans Parish District Attorney’s Office actions.

Exhibit 4: July 24, 2013 Inmates Not Required to be Housed in Orleans Parish Prison

	Female	Male	Total
Optional DOC Inmates			
DOC Re-Entry Program	0	100	100
DOC Work Release	0	62	62
DOC Community Service	0	11	11
TOTAL OPTIONAL DOC INMATES	0	173	173
Optional Pretrial Inmates			
Municipal Unsentedenced	19	90	109
Traffic Unsentedenced	4	20	24
State Pretrial Unsentedenced	100	909	1,009
Juvenile State Pretrial Unsentedenced	2	33	35
Plaquemines Parish Pretrial*	7	78	85
Out of Parish Warrant	25	92	117
Out of Parish Attachment	2	15	17
TOTAL OPTIONAL PRETRIAL INMATES	159	1,237	1,396
Total Optional OPP Inmates	159	1,410	1,569

Source: Orleans Parish Sheriff’s Office

* OPSO contract to house Plaquemines Parish inmates is set to expire in December 2013

DOC inmates the OPSO has discretion to refuse to house are the 173 participating in one of three programs designed to reintegrate them into society upon release from custody. The DOC pays a per diem to house these inmates as well as all of the instructor and related programming costs for 900 inmates annually to participate in reintegration programs. These programs are designed to give soon to be released felony offenders job skills and social support to lessen the potential that they will recidivate. The Re-Entry Program reports a 14.6% recidivism rate compared to a 25.6% recidivism rate among released inmates who do not participate in the program.¹

A total of 219 OPP inmates were held based upon warrants and attachments from other jurisdictions. Eighty-five (85) were Plaquemines Parish pretrial inmates held in OPP pursuant to a contract which compensates the OPSO for housing these inmates. The contract to house Plaquemines Parish pretrial inmates will expire in December of 2013. There were 117 inmates being held in OPP based upon warrants for state violations from other jurisdictions and 17 being held for lesser out of parish traffic and municipal attachments.

¹ Source: “42 inmates graduate Re-Entry Center”, August 15, 2013; *The Advocate*

The largest group of inmates not required to be housed at OPP were unsentenced and pretrial inmates with pending state, municipal, and traffic charges. The New Orleans Police Department (NOPD) arrests the overwhelming majority of unsentenced and pretrial inmates and a judge determines bail that an arrested subject must post to be released from custody. A small portion of pretrial and unsentenced inmates are held under court order and required to remain in custody. The MCC does not have access to the NOPD criminal database (MOTION system) to determine the criminal histories of unsentenced and pretrial inmates or any category of offender held in OPP. Many offenders held in custody on misdemeanor or non-violent felonies have extensive criminal histories of convictions that contribute to higher bail amounts set by judges.

Louisiana law prohibits inmates charged with crimes of violence and weapons felony offenses from being released on unsecured or free bonds. If these inmates are not housed in OPP, then the city of New Orleans must pay transportation costs and a per diem to a sheriff in another parish to house inmates charged with violent and weapons felonies.

In total, there were 1,177 unsentenced and pretrial inmates housed in OPP on July 24, 2013. Traffic and municipal unsentenced inmates have the lowest level pending charges against them that carry the smallest potential sentences upon conviction. The smallest population of unsentenced inmates was the 24 inmates accused of traffic violations such as driving while intoxicated. However, state law prohibits the release of felony driving while intoxicated offenders from custody without a secured bond.

There were 109 municipal unsentenced inmates, and the most serious types of charges pending against them are presented in Exhibit 5.

Exhibit 5: July 24, 2013 Pending Charges Against Municipal Unsentenced Inmates

Most Serious Pending State Charge	Female	Male	Total
Violent	5	41	46
Weapons	0	3	3
Property	6	19	25
Drug	0	5	5
Attachment	5	16	21
Other	3	6	9
Total	19	90	109

Source: Orleans Parish Sheriff's Office

There were 46 municipal unsentenced inmates in OPP for crimes of violence. Another 25 were in OPP for municipal property offenses. Twenty-one (21) inmates were held on municipal attachments for which they must remain in custody until a judge lifts the attachment. Smaller numbers of municipal unsentenced inmates were in OPP for municipal weapons (3), municipal drug (5), or other municipal violations (9).

State pretrial inmates were the largest single category of OPP inmate and included 1,009 adults and 35 juveniles. Exhibit 6 below presents the most serious pending charges against state pretrial OPP inmates.

Exhibit 6: July 24, 2013 Pending Charges Against State Pretrial Inmates

Most Serious Pending State Charge	Female		Male		Total	
	Total	Juveniles	Total	Juveniles	Total	Juveniles
Homicide*	12		155	12	167	12
Felony Rape/Sex Offense*	1		66	3	67	3
Attempted Murder*	8	2	56	4	64	6
Robbery*	12		113	12	125	12
Felony Battery/Assault*	17		72		89	
Felony Firearms Violation*	4		89		93	
Burglary	1		58	1	59	1
Felony Theft	14		74		88	
Drug Distribution	12		109		121	
Felony Drug Possession	7		57		64	
Other Felony	10		73	1	83	1
Misdemeanor State Charge	4		20		24	
Total	102	2	942	33	1,044	35

Source: Orleans Parish Sheriff's Office

* Louisiana Code of Criminal Procedure prohibits pretrial release for violent and weapons felonies on unsecured bonds

A total of 1,020 or 98% of state pretrial inmates were held on felony charges. Louisiana Code of Criminal Procedure requires a secured bond such as a cash, commercial surety, or property bond for 605 state pretrial inmates charged with felony violent and weapons offenses. Inmates charged with felony burglary (59) and felony theft (88) accounted for 147 inmates. There were 121 inmates held on drug distribution charges, and 64 were charged with drug possession. There were 83 pretrial inmates charged with other felony crimes such as bail jumping, perjury, or failure to register as a sex offender.

Conclusions

Based upon the present OPP inmate population, it appears doubtful that the new 1,438 bed jail will be sufficient to fully address the public safety needs of New Orleans for the foreseeable future.

Exhibit 7 reviews inmate population categories along with projections of how many inmates would be in OPP with a 10% and a 20% plus or minus shift in inmate populations. Inmates are divided into four tiers according to how housing inmates in OPP contributes to public safety.

Exhibit 7: July 24, 2013 Inmates by Public Safety Category

	As of 7/24/13	10% Range	20% Range
TIER 1: Inmates Required to be housed at OPP			
DOC Inmates With Pending Charges	132	119–144	106–158
DOC Inmates With No Pending Charges	186	167–203	149–223
Unsentenced Parole Holds	164	148–179	131–197
Unsentenced Probation Holds	221	199–241	177–265
Sentenced Municipal	96	86–105	77–115
Parish Sentenced	31	28–34	25–37
Extradition/Hold/Department of Health and Hospitals	38	34–41	30–46
TOTAL REQUIRED INMATES	868	781–946	694–1042
TIER 2: Felony Inmates Not Required to be Housed in OPP			
DOC Re-Entry, Community Service, Work Release	173	156–189	138–208
State Pretrial Unsentenced – Violent and Weapon Felonies	605	545–659	484–726
State Pretrial Unsentenced – Drug, Property, Other Felonies	415	374–452	332–498
TOTAL FELONY NOT REQUIRED	1193	1073–1300	954–1224
TIER 3: Misdemeanor Inmates Not Required to be Housed in OPP			
State Pretrial – Misdemeanor	24	22–26	19–29
Municipal Unsentenced	109	98–119	87–131
Traffic Unsentenced	24	22–26	19–29
TOTAL MISEDMEANOR PRETRIAL	157	141–171	126–188
TIER 4: OPP Inmates Held for Out of Parish Violations			
Plaquemines Parish Pretrial (Not required to be housed in OPP)*	85	77–93	68–102
Out of Parish Warrants	117	105–128	94–140
Out of Parish Attachments	17	15–19	14–20
TOTAL OUT OF PARISH	219	197–239	175–263
GRAND TOTAL	2437	2,193–2,656	1,950–2,924

Source: Orleans Parish Sheriff's Office

* OPSO contract to house Plaquemines Parish inmates is set to expire in December 2013

Tier 1 and tier 2 inmates housed in OPP on July 24, 2013 vastly exceed the functional capacity of the new jail. The OPSO has no discretion on whether or not to house tier 1 inmates, and tier 2 inmates are felony violators either working on reintegration into society or awaiting resolution of pending felony charges. There were 868 tier 1 inmates required to be housed in OPP and 1,193 tier 2 felony inmates totaling 2,061 inmates. Focusing only on the 1,473 required tier 1 inmates (868) plus tier 2 state pretrial inmates charged with violent and weapons offenses (605) also exceeds the capabilities of the new jail. An

unknown but significant percentage of the 415 non-violent felony pretrial inmates charged with property, drug, or other violations remain in custody because they have extensive criminal histories that include prior felony convictions and a judge set bail to reflect the danger they pose to the community and/or their flight risk. Additionally, the jail must accommodate a portion of tier 3 traffic, municipal, and state misdemeanor offenders, as well as some tier 4 inmates held for out of parish violations until jurisdictions are able take custody of their wanted subjects arrested in New Orleans.

Due to the need to separately house different types of inmates such as males from females and juveniles from adults, it can conservatively be anticipated that 10% of the 1,438 bed facility will be unusable at any given time resulting in a functional capacity of 1,294. The new 1,438 bed jail is not configured to house all types of inmates including specialty inmate populations such as mentally ill, suicidal, medical infirmary, and unique security risk inmates. Facilities capable of housing all types of inmates may have reduced capacity rendering 15% or more of the jail’s beds unusable. Exhibit 8 presents estimates of the functional capacity of different jail sizes compared to the inmate population of July 24, 2013.

Exhibit 8: Projecting July 24, 2013 Snapshot on New Prison (1,438 Beds)

Number of Jail Beds	Functional Capacity (85%-90% of beds)	Percent of July 24, 2013 Inmates
1,438	1,222–1,294	50%–53%
1,638	1,392–1,474	57%–60%
1,838	1,562–1,654	64%–68%
2,038	1,732–1,834	71%–75%
2,238	1,902–2,014	78%–83%
2,438	2,072–2,194	85%–90%
2,638	2,242–2,374	92%–97%
2,838	2,412–2,554	99%–105%

A 1,438 bed facility is capable of housing all 868 tier 1 inmates, 30% to 36% of the 1,193 tier 2 inmates, and none of the other inmates. It would require 2,438 beds to house all tier 1 and tier 2 inmates and allow some space for a portion of tier 3 and tier 4 inmates. OPP would require an additional 1,400 jail beds beyond the 1,438 bed facility to house the entire inmate population of July 24, 2013.

The City of New Orleans has recently acknowledged the need for jail facilities in addition to the 1,438 bed facility which leaves the future size of OPP as an open question.

A jail built too small can have a negative impact on public safety as hundreds of felony offenders will have to be released from custody. Furthermore, it would be necessary to identify out of parish jails where the city of New Orleans would pay to house overflow inmates that are required to remain in custody either by Louisiana law or court order. The use of out of parish jail facilities would have significant logistical challenges and transportation costs associated with bringing inmates to Orleans Parish for court appearances. Additionally, a jail that is too small may require elimination of re-integration programs funded by the DOC.

There are several jail facilities currently in use by the OPSO that could remain open after the 1,438 bed facility opens. However, conditions within these facilities have led to the OPSO entering into a consent decree to ensure adequate protection of inmates’ civil rights. The safety and security of existing

facilities would need to be assessed and renovation and remediation may be required to make them viable for long-term use. The operational and personnel costs for this option would exceed those of a newly built facility.

Constructing the proper sized new jail facility will have a profound impact on the public safety needs of New Orleans for decades to come. In addition to funds received in support of Phase I and Phase II of jail reconstruction, the city of New Orleans is eligible to receive funding through the Federal Emergency Management Agency to build a modern, state-of-the-art jail as a result of condemned jail facilities destroyed in Hurricane Katrina. The Phase III jail facility would be consistent with existing best practices and can be constructed to house specialty inmate populations including youthful offenders, mentally incompetent, medical infirmary, and other groups that require separate housing for security purposes. A modern jail will require less staffing, be more secure, and have lower operating and maintenance costs compared to existing jail facilities.

The number of beds in a jail is greater than the number of inmates, because housing different segments of the inmate population requires a 10% to 15% surplus of available jail space. The best way to project the jail needs of the city is to examine current and past inmate populations. From July of 2012 through June of 2013, OPP averaged 2,356 inmates with a population that ranged from a low of 2,184 inmates to a high of 2,578 inmates.²

The July 24, 2013 OPP inmate population snapshot was taken at a time that New Orleans is experiencing reductions in felony arrests, which partially result from declining numbers of police officers available to respond to felony crimes. Decreases in reported crime in New Orleans through the first half of 2013 may also have contributed to a smaller inmate population. Although felony arrest totals have decreased, police and prosecutors are more effectively arresting and prosecuting violent and weapons offenders.³ As a result of increased violent and weapons felony cases, it is taking longer for the courts to bring all types of cases to resolution⁴ which has increased the time that inmates spend in OPP and the size of the inmate population.

The new 1,438 bed jail will significantly improve the quality and safety of inmate housing in Orleans Parish, but it cannot accommodate the current or anticipated OPP inmate populations. The jail population fluctuates daily, and the OPSO needs to be equipped with the resources and jail capacity to properly house the inmate population generated by the criminal justice system.

² “Strategic Plan For A Constitutional Jail Orleans Parish Prison,” James Austin, Ph.D., June 28, 2013, Page 2.

³ “Orleans Parish Criminal Justice System Accountability Report May 2013,” Metropolitan Crime Commission, May 12, 2013.

⁴ “2012 Orleans Parish Judicial Accountability Report,” Metropolitan Crime Commission, August 11, 2013.