



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System Accountability Report

JUNE 2014

Since 2007, the Metropolitan Crime Commission (MCC) has monitored all arrests, felony cases accepted for prosecution, and closed felony cases to evaluate the performance of the New Orleans Police Department (NOPD) and the Orleans Parish District Attorney's (DA's) Office. Arrest statistics are an indication of how the NOPD applies its resources to address criminal activity. Trends in the outcomes of felony arrests show how effectively the DA's Office and NOPD coordinate to prosecute the most serious offenders in Orleans Parish.

Orleans Parish District Attorney Leon Cannizzaro was sworn into office in November of 2008, and Ronal Serpas was appointed Superintendent of the NOPD in May of 2010. This report examines trends in arrests and outcomes of felony arrests since 2010 to measure changes in criminal justice system performance. For additional information about arrest trends and 2012 felony arrest outcomes, see supplemental exhibits at www.metrocrime.org.

Arrests in Orleans Parish

There was a large drop in arrests from 2010 to 2011, arrests increased slightly in 2012, and arrests declined in 2013 (see Exhibit 1). The 30,583 total arrests in 2013 are the fewest since the MCC began the Criminal Justice System Accountability Project in 2007 (see Supplemental Exhibit 13).

"Other State Arrests" consistently accounted for the smallest portion of arrest totals from 2010 to 2013 (see I. Other State Arrests). Other state arrests are primarily for probation and parole violations or a judge's order that a defendant be held in jail. In many instances an "Other State Arrest" is an enforcement of an order of the court rather than a discretionary decision made by a police officer.

Out of parish warrants or attachments were the most common type of arrests across the past four years (see II. Out of Parish Warrant Arrests). Out of parish warrants and attachments can range from minor offenses such as unpaid traffic tickets to more serious crimes of violence. Jefferson Parish warrants and attachments made up 6,142 or 68% of these arrests in 2013. A total of 3,537 or 58% of individuals arrested for Jefferson Parish warrants and attachments were released from custody within one day without having to post bond, and 4,246 or 69% were released within three days without posting bond.

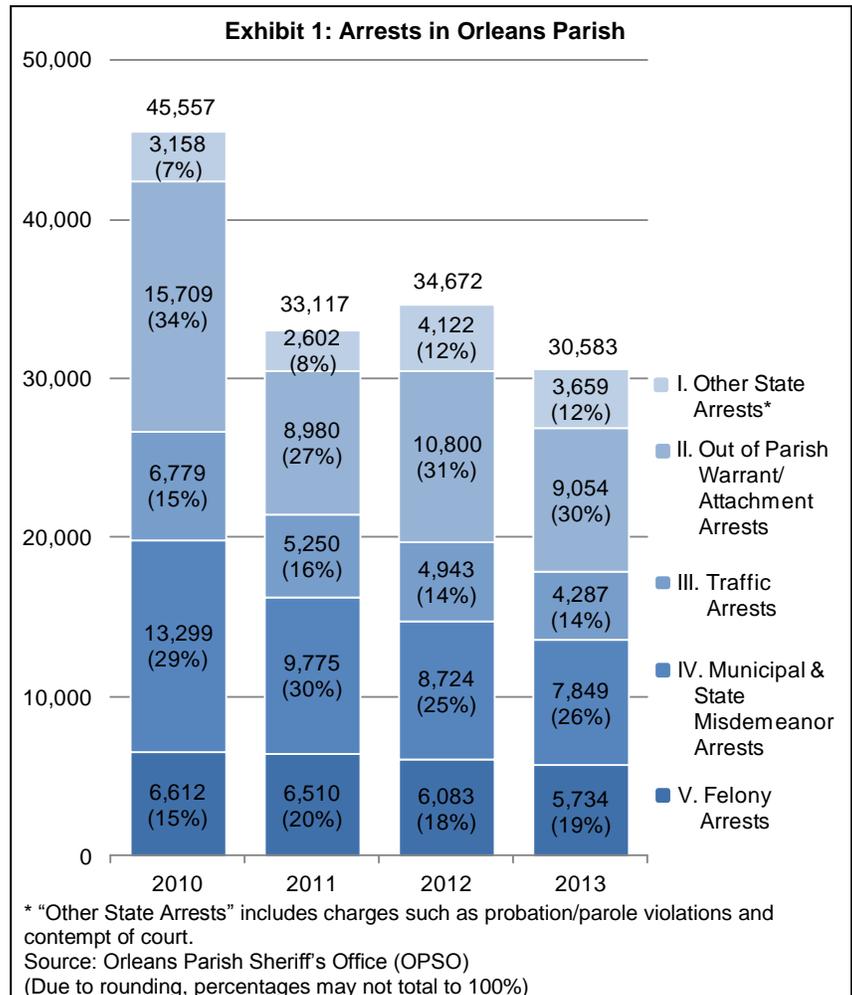
Traffic arrests have declined every year and made up 14% to 16% of total arrests (see II. Traffic Arrests).

Municipal and state misdemeanor arrests numbers have also declined each year and accounted for a smaller percentage of total arrests (see III. Municipal and State Misdemeanor Arrests). In 2010 and 2011, municipal and state misdemeanor arrests made up 29% to 30% of total arrests compared 25% to 26% of total arrests in 2012 and 2013.

Felony arrests decreased each year but accounted for a larger portion of total arrests (see IV. Felony Arrests). In 2010, 15% of all arrests were for felony crimes which increased to 20% in 2011 and remained at elevated levels in 2012 and 2013.

Summary of Findings: Several trends in police and prosecutor performance over the past several years were continued into 2013:

- Police manpower has declined to a 36-year low which likely contributed to falling arrest numbers from 2012 to 2013
- Police increased use of summonses in lieu of arresting many low level municipal offenders
- Police and prosecutors maintained effective collaboration as felony arrest to felony conviction rates for 2012 arrests remained at their highest levels since 1999
- More refusals, fewer dismissals, and fewer not guilty verdicts likely indicate improvements in case screening within the DA's Office
- The NOPD continued the counterproductive practice of annually arresting thousands of people, approximately 10 per day, for minor out of parish warrants and attachments who were quickly released from custody without having to post bond



Changing Enforcement of Municipal and State Misdemeanor Laws

State misdemeanor and municipal cases are usually processed in municipal court and are combined in the MCC analysis. In 2011, the DA's Office transitioned prosecution of most state misdemeanor cases to municipal court, where cases reportedly conclude more efficiently. Transferring state misdemeanor cases to municipal court also enabled Criminal District Court to devote more resources to the most serious categories of felony offenders.

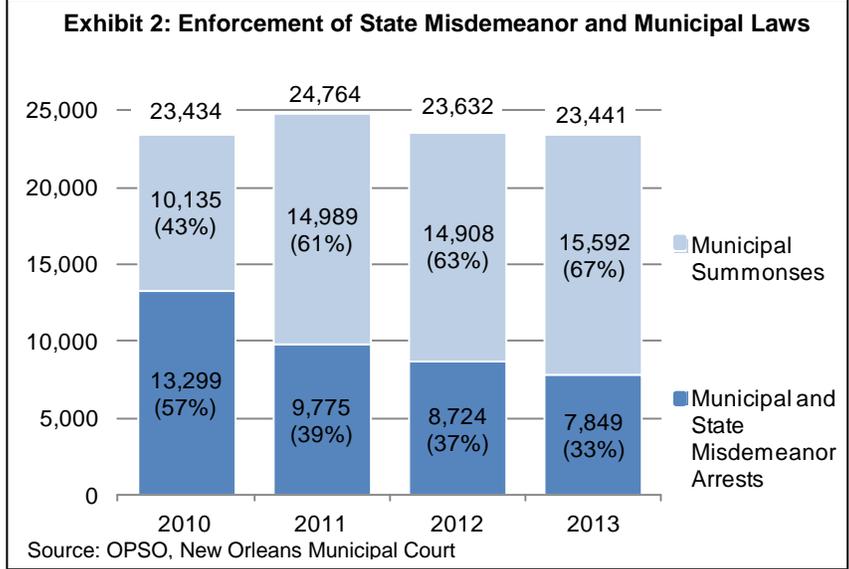
In December of 2010, the New Orleans City Council passed municipal ordinances enabling police to issue summonses rather than make arrests for misdemeanor possession of marijuana, interfering with a law enforcement investigation, flight from an officer, and prostitution.

Exhibit 2 presents total numbers of municipal summonses issued and arrests for municipal and state misdemeanor offenses from 2010 to 2013.

Police enforced similar numbers of state misdemeanor and municipal violations each year from 2010 to 2013. Yearly state misdemeanor and municipal summonses and arrests fell within a narrow 6% range of 23,434 to 24,764.

Police shifted to issuing more summonses over making arrests for state misdemeanor and municipal violations from 2010 to 2013. In 2010, 57% of state misdemeanor and municipal violations resulted in arrest. The arrest rate for these violations decreased yearly, and in 2013 a third (33%) of state misdemeanor and municipal violations resulted in arrest.

This increase in summonses and reduction in arrests for low level offenses more efficiently applies dwindling police manpower. In October of 2013, Superintendent Serpas reported at a City Council meeting that NOPD manpower fell to a 36-year low of 1,207 officers (see Supplemental Exhibit 14). As of the issuance of this report, NOPD manpower was below 1,200 officers. Greater use of summonses should enable a smaller police force to more effectively allocate its resources to address more serious crimes such as felony offenses.



Felony Arrests

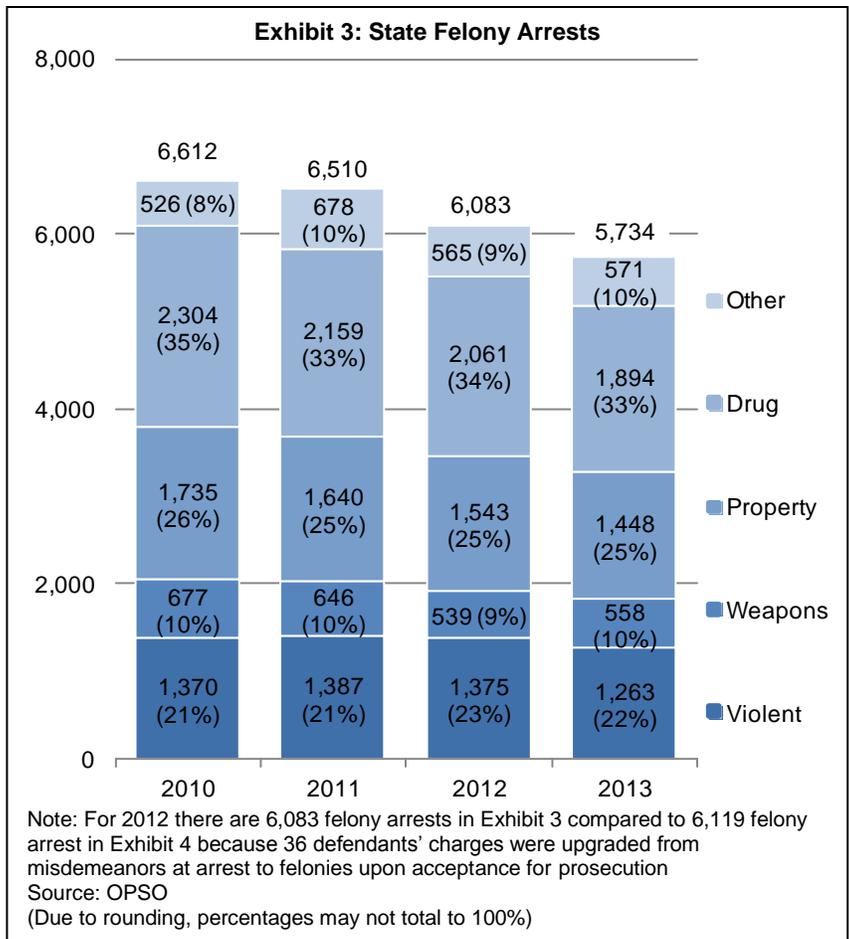
MCC analysis emphasizes felony cases because they are the most significant crimes addressed through the local criminal justice system. Felonies include murder, rape, robbery, illegal use and possession of firearms, burglary, theft, and possession/distribution of narcotics. Sentences to incarceration for greater than one year are only possible through felony convictions. Felony convictions can also provide a basis for enhanced incarceration sentencing should an offender have any future felony convictions. **Exhibit 3** presents the numbers of felony arrests divided into the various categories of arrest charges against defendants from 2010 through 2013.

Felony arrests declined each year since 2010.

There was a 13% reduction from 6,612 felony arrests in 2010 to 5,734 felony arrests in 2013. Felony arrests declined at a lower rate than overall arrests (presented in Exhibit 1) which decreased 33% from 45,557 in 2010 to 30,583 in 2013.

Reductions in felony arrests did not result from fewer reported crimes. There was a 15% increase from 15,238 uniform crime report (UCR) crimes in 2010 to 17,490 reported UCR crimes in 2013 (see Supplemental Exhibit 15).

Ratios of violent, weapons, property, drug, and other felony charges were consistently distributed from 2010 to 2013. For example, violent felonies had a small range accounting for 21% to 23% of all felony arrests and weapons felonies accounted for 9% to 10% of felony arrests.



2012 Felony Arrest Outcomes

For each new state arrest, police compile evidence against an arrested subject and prepare a report that is submitted to the DA's Office. The DA's Office then reviews the police report and evidence and accepts charges for prosecution if evidence appears strong enough to prove guilt and obtain a conviction. Some charges are upgraded from misdemeanors to felonies or lowered from felonies to misdemeanors when accepted for prosecution. When the DA's Office deems it does not have sufficient evidence to obtain a conviction, a case is refused and is not accepted for prosecution. In some instances, the DA's Office refers a case to another entity such as the municipal or federal court systems.

The prosecution of an accepted case ends through a guilty plea, a trial verdict (of guilty or not guilty), or dismissal. A dismissal occurs when the DA's Office drops the charges against a defendant. In some instances, dismissed cases are later reinstated as new cases. MCC analysis includes reinstated cases in felony case outcomes. **Exhibit 4** shows outcomes of all felony arrests from 2012. The MCC tracked every 2012 felony arrest until March 26, 2014.

Forty-five percent (45%) of 2012 felony arrests resulted in a felony conviction. Another 20% of felony arrests resulted in charges being accepted as misdemeanors, transferred to municipal court, or reduced to misdemeanors as a plea bargain or trial verdict. There was no conviction of any charge in 28% of felony arrests, because charges were not accepted for prosecution (19%), charges were accepted and later dismissed (4%), defendants successfully completed the diversion program (4%), or defendants were found not guilty in a judge or jury trial (1%). Eight percent (8%) of cases were pending at the conclusion of data entry.

Changes in Felony Arrest Outcomes

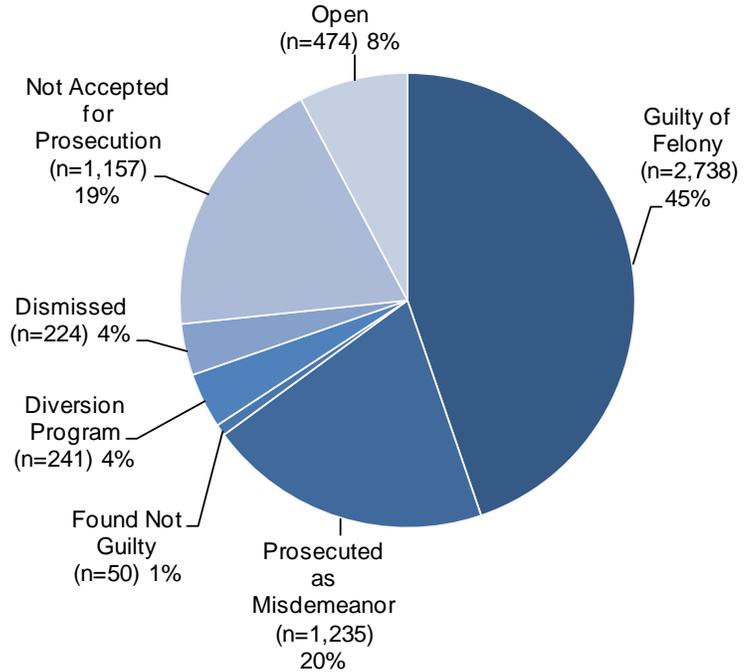
Exhibit 5 shows the outcomes of felony arrests from 2010, 2011, and 2012. **Felony arrest to felony conviction rates were consistently 45% to 44% from 2010 to 2012.**

The biggest change from 2010 to 2012 was a gradual increase in cases not accepted for prosecution. In 2010, 11% of felony cases were not accepted for prosecution which grew to 19% of cases not accepted for prosecution in 2012. At the same time, cases ending in not guilty verdicts and dismissal fell from 12% in 2010 to 8% in 2012.

Felony arrests prosecuted as misdemeanors had a small reduction from 23% of felony arrests in 2010 to 20% of felony arrests in 2012.

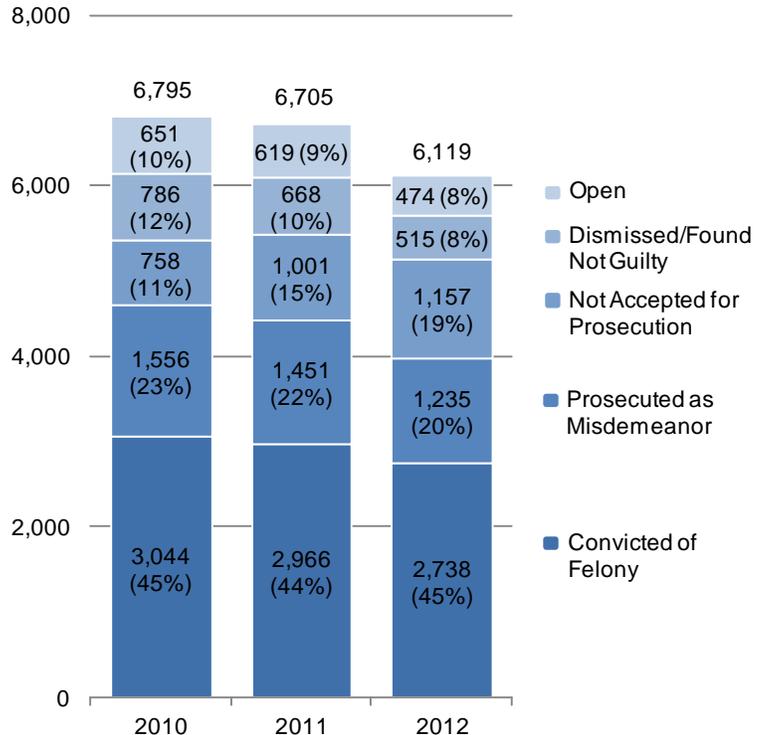
Trends in the outcomes of felony arrests may indicate improved screening practices within the DA's Office. The felony arrest to felony conviction rate remained largely unchanged from 2010 to 2012 while the DA's Office has more effectively identified and refused weaker cases resulting in fewer dismissals and not guilty verdicts as well as fewer felony arrests reduced to misdemeanor charges.

Exhibit 4: Outcomes of 2012 Orleans Parish Felony Arrests (N=6,119 Total Felony Arrests)



Note: For 2012 there are 6,083 felony arrests in Exhibit 3 compared to 6,119 felony arrests in Exhibit 4 because 36 defendants' charges were upgraded from misdemeanors at arrest to felonies upon acceptance for prosecution
 Source: Orleans Parish DA's Office; Criminal District Court, OPSO
 Estimated error rate of up to 5%
 (Due to rounding, percentages may not total to 100%)

Exhibit 5: Felony Arrest Outcomes 2010-2012



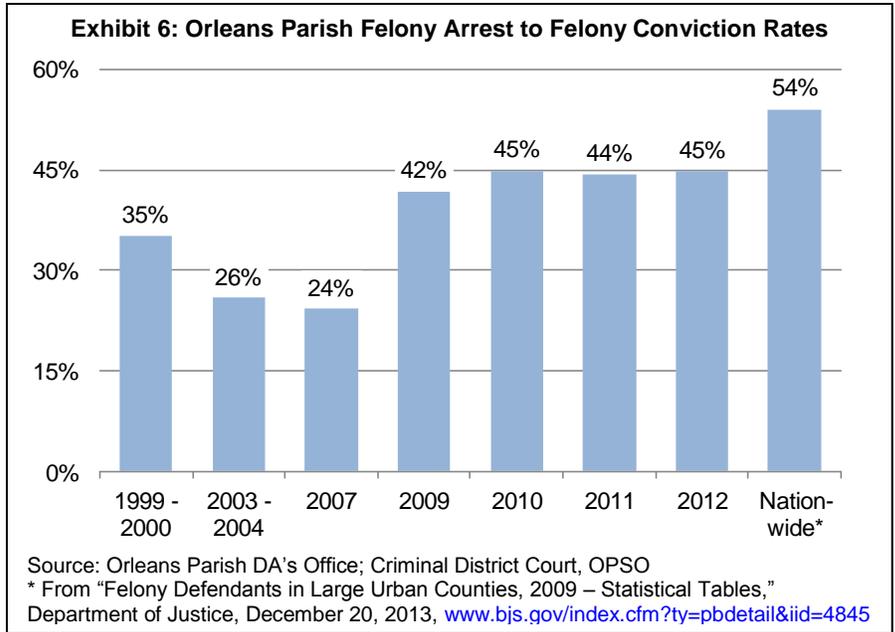
Source: Orleans Parish DA's Office; Criminal District Court, OPSO
 Estimated error rate of up to 5%
 (Due to rounding, percentages may not total to 100%)

Changing Conviction Rates

Exhibit 6 presents felony arrest to felony conviction rates in Orleans Parish measured by the MCC since 1999. Additionally, it shows the most recent calculation of the national felony arrest to felony conviction rate.

Felony arrest to felony conviction rates in Orleans Parish are the highest recorded by the MCC since 1999. The felony conviction rate began to rise from a low of 24% for 2007 arrests to 42% for 2009 arrests and then rose to 44% to 45% from 2010 through 2012.

Orleans Parish felony conviction rates have not reached the national benchmark but significant improvements have been achieved. A Department of Justice study released in December of 2013 found that 54% of felony arrests nationwide resulted in felony convictions. The same study found that nationally 12% of felony arrests are reduced to misdemeanors, compared to 20% of 2012 Orleans Parish felony arrests that were reduced to misdemeanors. The principal difference between felony arrest outcomes in Orleans Parish compared to national statistics appears to be a higher rate of felony charges reduced to misdemeanor charges.



CONCLUSIONS

Police manpower falling to a 36-year low has unquestionably had an impact on arrests. Police have increased the use of summonses in lieu of arresting low level state misdemeanor and municipal offenders. Traffic arrests have seen sizeable reductions. Felony arrests have also decreased but at a much lower rate than other types of charges, and felonies accounted for a larger portion of arrest totals. These transitions in arrest strategies are permitting deployment of reduced manpower to more strategically focus on felony offenders.

The felony arrest to felony conviction rate remained at its highest recorded level for 2010 through 2012 arrests. The improved felony conviction rate indicates strengthened police and prosecutor coordination to address the most significant crime problems in the community. The continued higher felony arrest to conviction rates across years indicates stability in the improved working collaboration established between the NOPD and DA's Office.

From 2010 to 2012, refused cases not accepted for prosecution went up by 8% as dismissals and cases ending in not guilty verdicts declined by 4% and felony arrests prosecuted as misdemeanors went down by 3%. These changes likely result from improved screening decisions by prosecutors. Better case screening prevents cases unlikely to result in felony convictions from clogging the court system and wasting finite criminal justice system resources on nonviable prosecutions.

In 2013, there was a continuation of the practice of arresting thousands of low level offenders with outstanding warrants or attachments from other jurisdictions who are

quickly released from jail without having to post bond. During 2013, more than 3,500 individuals, approximately 10 each day, were arrested for an outstanding Jefferson Parish warrant or attachment and released from custody in one day or less. In many instances, the NOPD would issue a summons if the underlying offense for the warrant or attachment occurred in New Orleans. The toll these arrests take on diminished police manpower, city jail expenditures, and officer inability to respond to more serious calls for service is significant. **The MCC continues to question the prudence of the wasteful and ineffective practice of annually arresting thousands of nonviolent and low level offenders that are not held in custody by the parish issuing the warrant or attachment.**

For the past several years, police and prosecutors have achieved an elevated felony arrest to felony conviction rate. The conviction rate has approached the national average of 54% by growing from a low of 24% in 2007 to 45% in 2012. In the past, felony arrests commonly failed to result in felony convictions which had a compounding negative effect on public safety and on victims' and witnesses' willingness to cooperate with law enforcement. In spite of gains achieved by police and prosecutors, incidences of reported crime increased over the past several years. Continuing to refine the use of police manpower and ongoing improvements in police and prosecutor coordination on vital cases should broaden the ability of the criminal justice system to provide for community safety.

Sponsors

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