



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System Accountability Report

MAY 2017: 2013-2016 Arrests and Felony Case Outcomes

Introduction

Since 2007, the Metropolitan Crime Commission (MCC) has promoted performance accountability of the New Orleans Police Department (NOPD) and Orleans Parish District Attorney's (DA's) Office by monitoring arrest trends and the outcomes of all felony arrests. The goals of this accountability project are to inform the public and community leaders of criminal justice system performance, improve the utilization of system resources, and enhance successful collaboration between police and prosecutors on the most significant criminal cases facing the community.

Orleans Parish District Attorney Leon Cannizzaro has been in office since November 2008, and NOPD Superintendent Michael Harrison was appointed in October 2014.

In order to assess the changes in criminal justice system performance in recent years, this report examines trends in arrests and issuances of summonses from 2013 through 2016 along with felony arrest outcomes from 2014. For additional information, see supplemental exhibits at www.metrocrime.org.

Executive Summary

Police and prosecutors are applying their resources more efficiently and effectively, but community safety has not improved. Notable changes in the New Orleans criminal justice system's performance from 2013 through 2016 include:

- Reported Uniform Crime Report (UCR) violent crimes increased 27% from 2013 to 2015, and calls for service to the NOPD for violent crimes increased 33% from 2013 to 2016.ⁱ
- Violent felony arrests increased 44%.
- Arrests for drug felonies went down 55%.
- The total numbers of arrests by the NOPD decreased 44%.
- There was a 34% reduction in police enforcement of municipal violations.
- Arrests for state warrants and out of parish attachments dropped 70% from 9,054 in 2013 to 2,701 in 2016.
- There was an 81% rate of felony arrests accepted for felony prosecutions in 2015 compared to a 73% rate in 2013.
- The median time for the DA to reach a decision whether to prosecute a suspect decreased by more than two weeks from 51 days in 2013 to 37 days in 2015.

Arrests

As shown in **Exhibit 1**, arrests fell sharply by 44% from 30,583 in 2013 to 17,191 in 2016. There were fewer arrests in every category.

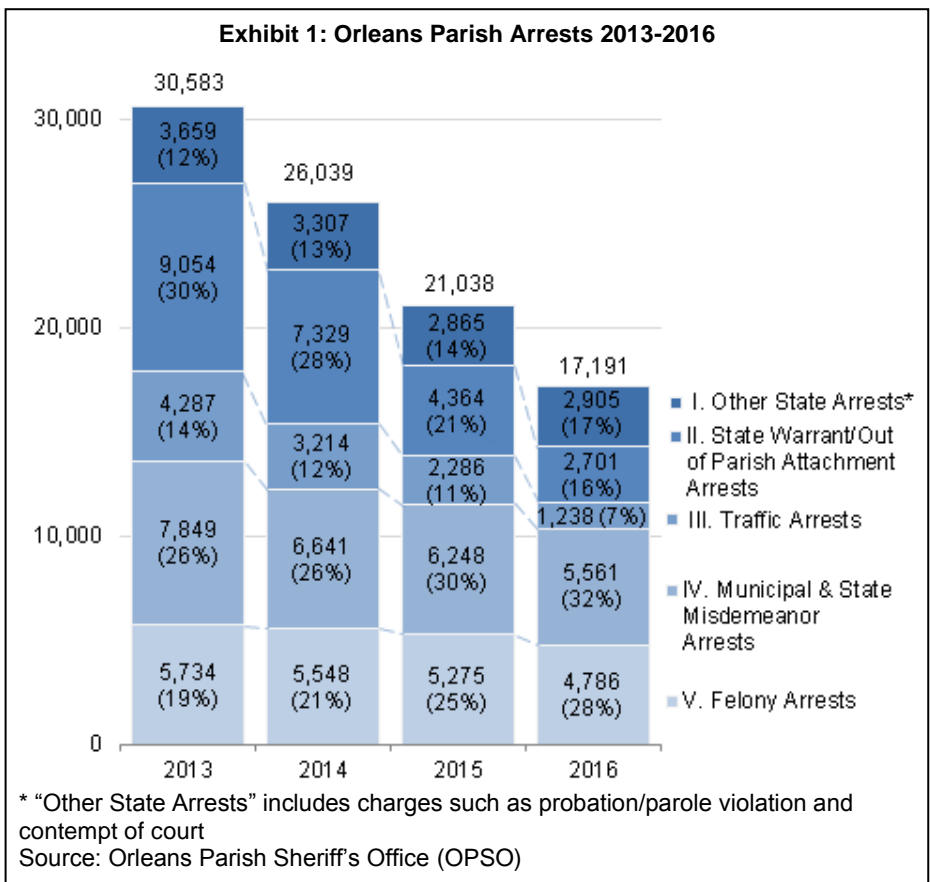
Felony arrests as a percentage of all arrests increased from 19% in 2013 to 28% in 2016 (see **V. Felony Arrests**).

The most common types of arrests in 2015 and 2016 were municipal and state misdemeanor arrests (see **IV. Municipal & State Misdemeanor Arrests**). Misdemeanor arrests made up 32% of all arrests in 2016, a moderate rise from 26% in 2013.

Traffic arrests accounted for the smallest portion of arrests in 2016 and fell from 14% of 2013 arrests to 7% of all 2016 arrests (see **III. Traffic Arrests**).

State warrant and out of parish attachment arrests had the highest rate of decline and fell from 30% of all 2013 arrests to 16% of all arrests in 2016 (see **II. State Warrant/Out of Parish Attachment Arrests**). Out of parish warrants are often for low level offenses like unpaid traffic citations, and these suspects commonly spend very little time in jail because jurisdictions issuing the warrants do not accept them into custody.

"Other" state arrests include probation/parole violations or contempt of court, and the rate of these arrests rose slightly from 12% of 2013 arrests to 17% of arrests in 2016 (see **I. Other State Arrests**).



The decline in arrests does not show a relationship to crimes reported by the NOPD. UCR statistics provided by the NOPD to the FBI show a 15% increase in total offenses from 2013 to 2014, followed by a 6% decrease in 2015.ⁱⁱ Reported violent UCR crimes increased 27% from 2013 to 2015.ⁱⁱ A review of NOPD calls for service logs shows reported violent crimes increased 33% from 11,857 in 2013 to 15,808 in 2016, and property crime calls increased 1% from 35,989 in 2013 to 36,431 in 2016.ⁱⁱⁱ

Enforcement of State Misdemeanor and Municipal Violations

MCC analysis combines state misdemeanor and municipal violations because their maximum sentences are punishable only in the parish jail. In 2010, the City of New Orleans passed municipal ordinances to parallel many state misdemeanor violations, so police could issue summonses rather than arrest many low level offenders. From early 2011 through 2016, the DA's Office transferred prosecution of most state misdemeanors from the state-level Orleans Parish Criminal District Court (CDC) to city Municipal Court.

Exhibit 2 shows the numbers of misdemeanor and municipal summonses and arrests from 2013 to 2016. **The number of suspects charged by police with misdemeanor and municipal violations reduced by 34% from 23,441 in 2013 to 15,511 in 2016.** This includes a 29% drop in state misdemeanor and municipal arrests from 7,849 in 2013 to 5,561 in 2016, as well as a 36% reduction in municipal summonses from 15,592 in 2013 to 9,950 in 2016.

Over the past four years, the NOPD consistently issued summonses for a 63% to 67% majority of misdemeanor and municipal violations, which shows an institutionalized policy to utilize summonses in lieu of arrests for misdemeanor offenders.

Felony Arrests

MCC analysis focuses on felonies because these offenses are the most significant crimes addressed through the local criminal justice system and profoundly impact the quality of life for all citizens. Felonies include murder, rape, robbery, weapons offenses, burglary, theft, and narcotics possession and distribution. Felony offenders can receive lengthy prison sentences if convicted.

Felony arrests had the lowest rate of decline compared to all other arrest categories (see Exhibit 3). Felony arrests decreased 16% from 5,734 in 2013 to 4,786 in 2016. In comparison, there was an overall 44% reduction in total arrests (see Exhibit 1 on previous page).

In 2016, violent felony arrests continued to increase while arrests for drug felony charges fell sharply. The 1,819 violent felony arrests in 2016 is a 44% increase from the 1,263 violent felony arrests in 2013 and the highest number since 2007 (see Supplemental Exhibit 16). Arrests for drug felonies fell 55% from 1,894 in 2013 to 859 in 2016, which was the lowest number of drug felony arrests since the MCC began tracking in 2007. The decline in felony drug arrests may be linked to an NOPD manpower shortage that has limited the department's ability to engage in proactive policing.

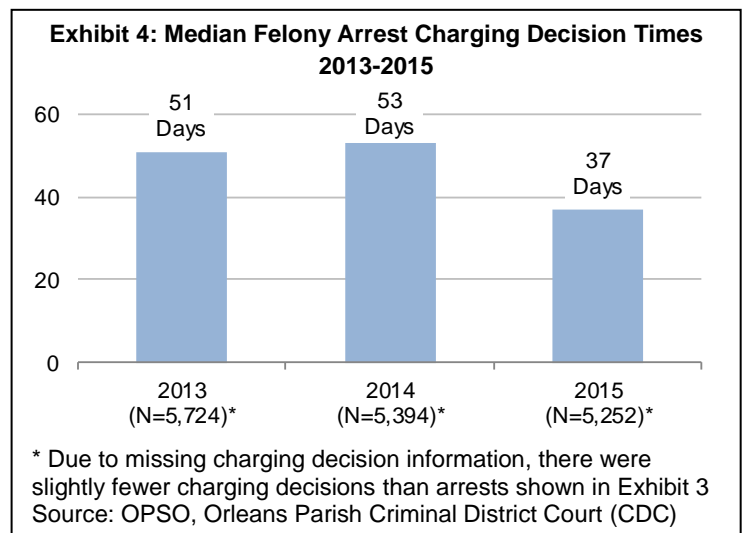
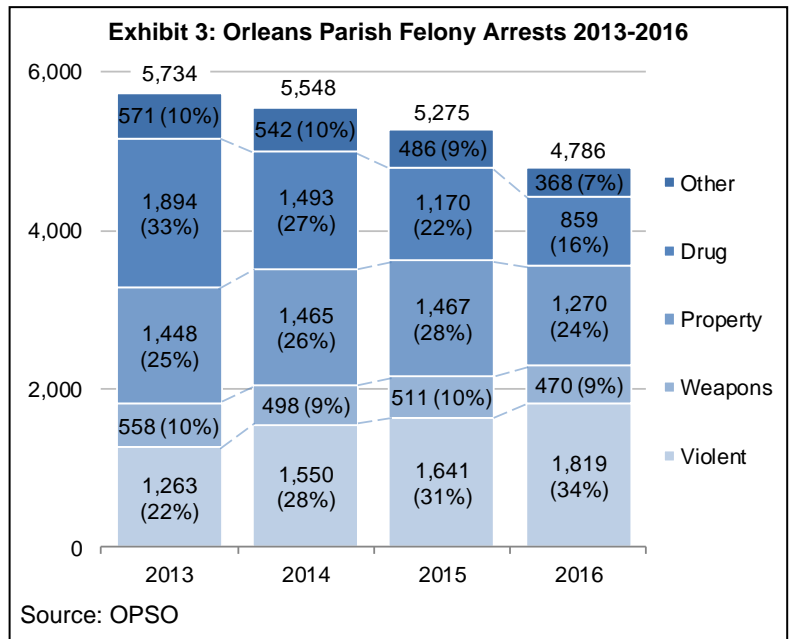
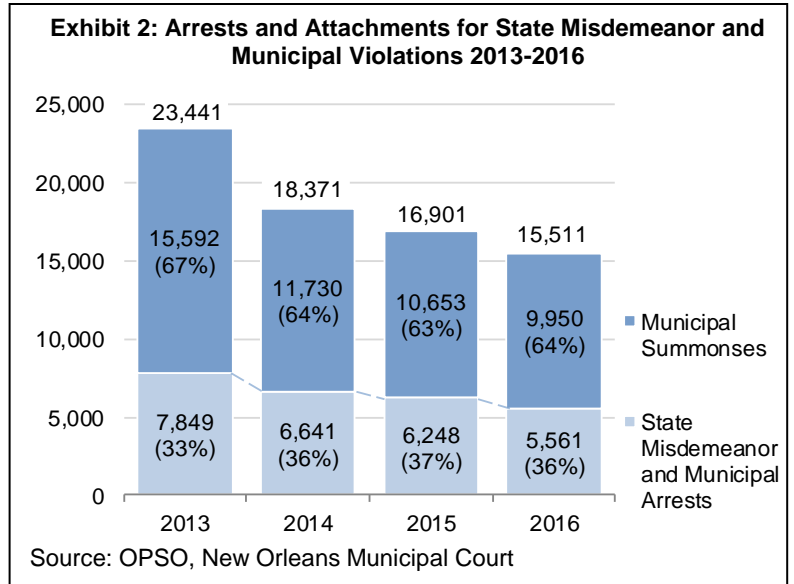
Arrests for weapons, property, and other felony charges made up similar portions of felony arrests from 2013 through 2016. For example, weapons felonies consistently accounted for 9% to 10% of felony arrest totals.

Felony Arrest Charging Decisions

For each new state arrest, police compile evidence against a suspect and submit a report to the DA's Office. The DA's Office reviews reports submitted by police to determine if there is sufficient evidence to prove guilt and justify a prosecution.

Exhibit 4 presents the median number of days that it took for the DA's Office to make charging decisions for felony arrests. Charging decision times are calculated from when a suspect first appeared in magistrate court until a charging decision was filed with the Clerk of Criminal District Court.

The median charging decision time went down by 16 days from 2014 to 2015. It took a median of more than 50 days for a felony arrest to reach a charging decision in 2013 and 2014, which



decreased to a median of 37 days in 2015. Shorter billing decision times can reduce the time it takes to resolve felony cases and the time suspects are held in custody.

Exhibit 5 presents the prosecutorial charging decision outcomes for all felony arrests from 2013 through 2015. The DA's Office refuses a case when it determines there is not enough evidence to obtain a conviction. Some felony arrests are charged as misdemeanors when they are accepted for prosecution.

Felony acceptance rates continued an upward trend in 2015. In 2013, 73% of felony arrests resulted in cases being accepted for felony prosecution. The rate of felony arrests accepted for felony prosecution increased to 77% in 2014 and then to 81% in 2015.

Felony arrests that were refused and resulted in no charges being prosecuted against a suspect decreased from 18% in 2013 to 14% in 2014 and to 12% in 2015.

The rate of felony arrests downgraded to misdemeanor charges decreased from 10% in 2013 to 6% in 2015. Felony charges carry higher bond amounts and are more likely to result in suspects being held in custody for longer periods of time, which increases jail populations and jail costs. It may have been possible for police to issue a summons rather than arrest many people whose felony arrest charges were later prosecuted as misdemeanors.

Higher felony acceptance rates are a sign of improved investigations and confirm that police are more accurately charging suspects at the time of arrest.

2014 Felony Arrest Outcomes

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.

Diversion program cases are the result of defendants successfully completing the DA's diversion program and having their cases dismissed. Non-violent offenders who do not have significant criminal histories may be given the opportunity to participate in the diversion program, which enables them to receive training and counseling supervised by the DA's office in lieu of prosecution.

Exhibit 6 presents the outcomes of all felony arrests from 2014. The MCC tracked 2014 felony arrests until June 2016. Cases that remained open beyond the study period accounted for 10% of 2014 felony arrests.

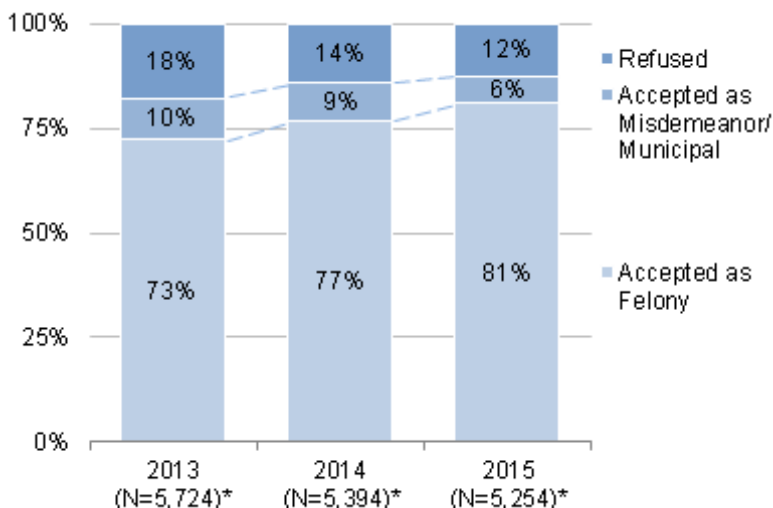
Felony arrests in 2014 had a 44% felony arrest to felony conviction rate.

Charges downgraded to misdemeanors accounted for 24% of 2014 felony arrests, which includes 9% downgraded when the DA accepted a case for prosecution and 15% that were either plea bargained down to misdemeanors or a defendant was found guilty of a misdemeanor by a judge or jury trial.

At least 22% of felony arrests did not result in conviction for any charges because charges were not accepted for prosecution (14%), dismissed (4%), resulted in a not guilty verdict (1%), or defendants successfully completed the diversion program (3%)

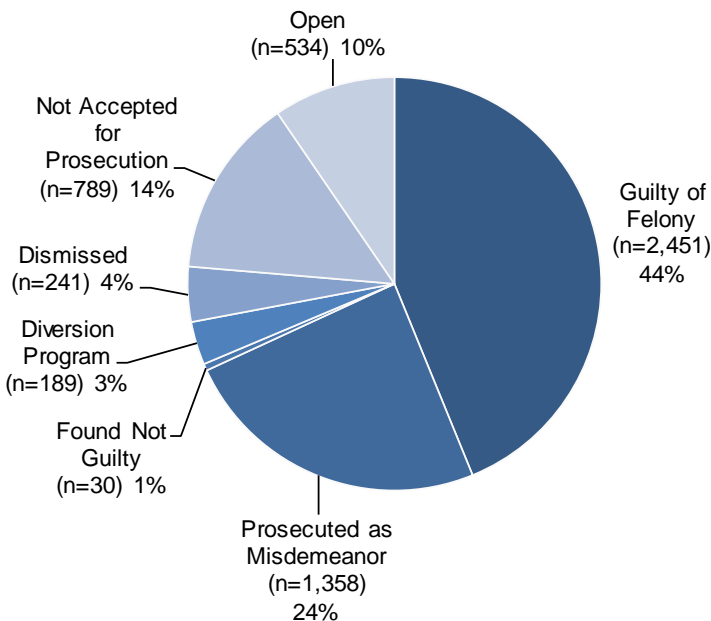
The New Orleans criminal justice system's 2014 felony arrest outcomes deviate from nationwide statistics primarily in their high rate of felonies reduced to misdemeanor charges. Nationwide, 54% of felony arrests result in felony convictions and 12% are reduced to misdemeanors for a combined total 66% conviction rate.^{iv} The 24% rate at which 2014 felony arrests in New Orleans were reduced to misdemeanor prosecutions is twice the national rate (of 12%). Theft, battery, drug possession, and drug distribution were the most commonly downgraded charges and made up 839 of the 1,358 (62%) felony arrests in 2014 that were downgraded to misdemeanors.

Exhibit 5: Charging Decisions for Orleans Parish Felony Arrests 2013-2015



* Due to missing charging decision information, there were slightly fewer charging decisions than arrests shown in Exhibit 3
 NOTE: Due to rounding, percentages may not total to 100%
 Source: OPSO, Orleans Parish Criminal District Court (CDC)

Exhibit 6: 2014 Felony Arrest Outcomes (N=5,592)



Note: 5,592 felony arrests for 2014 are shown in Exhibit 6 compared to 5,548 in Exhibit 3 because 44 misdemeanor arrests were upgraded to felonies upon acceptance for prosecution
 Source: Orleans Parish DA's Office, CDC, OPSO
 Estimated error rate of less than 5%

Conclusions

The NOPD and DA's Office show improvements in efficiency and effectiveness. Police and prosecutors demonstrate a strengthened working relationship as they continue to increase the focus of their limited resources on addressing felonies, the most serious crimes.

Felonies account for growing portions of total arrests. In particular, the MCC commends the NOPD for the steep 70% reduction in arrests for out of parish warrants from 9,054 such arrests in 2013 to 2,701 in 2016. In the past, arrests for out of parish warrants were the most common type of arrest with the majority of those arrested held in custody for less than a day while waiting for jurisdictions to decline to accept them into custody. For the past four years, police have consistently used discretion to issue summonses rather than arresting approximately two-thirds of those accused of misdemeanor and municipal offenses. The reduction in arrests for lower level misdemeanor offenses shows a more efficient use of NOPD manpower which allows police to better apply their limited resources on dangerous and violent felony offenders.

A 16-day reduction in the time it took for the DA's Office to reach charging decisions for prosecution is a substantial improvement over prior years. Data provided to the MCC cannot determine if police took less time to submit cases to the DA's Office or if the DA's Office more quickly reviewed information submitted by police. However, this reduced time indicates greater efficiency in combined police and prosecutor efforts to progress arrest cases through the criminal justice system. Greater efficiency in case processing can reduce jail inmate populations as defendants spend less time in custody to resolve their cases.

Fewer felony arrests accepted as misdemeanor cases is another area of improved efficiency. Less downgrading of felony charges by prosecutors indicates more accurate charging of suspects by the NOPD at the time of arrest. High acceptance rates indicate that, commendably, NOPD investigations routinely meet the proof beyond a reasonable doubt standard prosecutors require to accept a case.

The NOPD's acute manpower shortage has necessitated that police minimize proactive policing strategies to allow them to respond to calls for service in a more timely manner. The critical shortage of NOPD officers has not improved over the past four years. NOPD manpower fell 4% from 1,215 officers in May of 2013 to 1,165 officers at the end of 2016.^{v, vi} Although the NOPD effectively applies its limited resources, the department lacks the manpower to timely respond to calls for service and adequately address the high rate of crime.

Except for violent felonies, there were fewer arrests for every category of offense and there was a 36% reduction in issuance of municipal summonses. Fewer arrests and summonses are indicators of less enforcement actions by police, but these reductions occurred as reported crime went up and citizens made more calls for police to respond to violent and property crimes.

The NOPD reacted to the rise in citizens' calls for services with an increase only in violent felony arrests. At the same time, felony drug arrests fell by 55% from 1,894 arrests in 2013 to 859 arrests in 2016.

Drug and traffic enforcement are examples of proactive policing that commonly lead to the arrests of wanted felons, repeat offenders, felons in possession of firearms, and violent offenders involved in the drug trade. The NOPD's manpower crisis has caused it to become a largely reactive police force responding to calls for service and focusing on violent felonies.

Reducing crime and improving public safety requires the collective efforts of the entire criminal justice system. The misguided decision in 2010 to freeze police hiring for years created the critical NOPD manpower shortage that continues to adversely impact public safety.^{vi}

The executive and legislative branches of city government have been aggressively working to resolve the NOPD's manpower crisis through a 15% police pay increase in recent years and greater police funding.^{vii}

The MCC supports this necessary and proper investment in the NOPD. However, recent decisions by the Mayor and City Council to cut 2017 funding for prosecutors by \$600,000 while boosting funding to police by \$8,000,000 and the Orleans Public Defenders office by \$600,000 creates an imbalance in the criminal justice system.^{viii, ix} The city's 2017 investment in the NOPD is intended to hire additional officers and purchase new technology that will increase police ability to respond to calls for service, solve felony crime, and apprehend more felony offenders. The funding boost for the Orleans Public Defenders office is justified to allow them to represent a larger number of indigent defendants arrested by the NOPD, but the DA's office is responsible for screening and prosecuting all cases, including those represented by private counsel.

The MCC respectfully urges city leaders to support a well-balanced criminal justice system that is equipped to address the increased workload generated from the sizeable investment the city is making in the NOPD. In addition to public defenders, prosecutors, judges, the Sheriff, and the Clerk of Court must have adequate financing to handle the increased workload a better financed police force feeds into the criminal justice system.

Acknowledgements: This report was written and compiled by MCC President Rafael Goyeneche and Research Director John Humphries. We greatly appreciate the assistance of the Orleans Parish Sheriff's Office, the Orleans Parish District Attorney's Office, the Orleans Parish Clerk of Criminal Court's Office, the Orleans Parish Criminal District Court Judicial Administrator's Office, the New Orleans Police Department, and the judiciary of Orleans Parish Criminal District Court. We thank Carrollton Technology Partners, MCC board members Roger Peck and Brooke Duncan III, Research Associate Steve Mumford, and Research Assistant Olivia Kacsits.

ⁱ Source: New Orleans Police Department, additional information available in Supplemental Exhibit 13 and Supplemental Exhibit 14

ⁱⁱ Source: New Orleans Police Department; additional information available in Supplemental Exhibit 13

ⁱⁱⁱ Source: New Orleans Police Department; additional information available in Supplemental Exhibit 14

^{iv} Source: "Felony Defendants in Large Urban Counties, 2009 – Statistical Tables," Department of Justice, December 20, 2013

^v Source: "New Orleans Police Department Staffing and Deployment" City of New Orleans Office of Inspector General, May 28, 2014

^{vi} Source: "NOPD falling far short of goal to boost officer numbers to 1,600" The New Orleans Advocate, January 1, 2017

^{vii} Source: "NOPD pay raises gain Civil Service approval" nola.com|The Times-Picayune, November 17, 2016

^{viii} Source: "New Orleans City Council approves 2017 budget, with more and less for criminal justice" nola.com|The Times-Picayune, November 17, 2016

^{ix} Source: "Orleans City Council OKs \$615 million budget with more money for public defenders and less for DA" The New Orleans Advocate, January 1, 2017