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Orleans Parish Sheriff's Office Inmate Population Analysis August 2017

Introduction

The Metropolitan Crime Commission (MCC) has tracked the inmate population of the Orleans Parish Sheriff's Office (OPSO) since August of 2013 to better understand the jail capacity needed to meet the demands of the New Orleans criminal justice system.

The OPSO is responsible for safely and humanely housing inmates arrested and placed into its custody. The New Orleans Police Department (NOPD) arrests most of OPSO inmates. After being arrested, inmates are detained under a bail order set by a judge from Orleans Parish Criminal District Court or New Orleans Municipal and Traffic Court. Pretrial inmates are those awaiting resolution of pending charges. Inmates are held pretrial based upon a bail order made by a judge that is set pursuant to Louisiana Code of Criminal Procedure article 316 requiring consideration of the seriousness of offense, the weight of the evidence, the defendant's criminal history, and other circumstances.

In September of 2015, the OPSO opened a 1,438-bed facility that was referred to as Phase II of the Orleans Parish jail reconstruction from Hurricane Katrina. Phase II has been named the Orleans Justice Center or OJC. The OJC has a functional capacity of 1,294 inmates.ⁱ There is ongoing discussion on the feasibility and potential size of a Phase III jail facility that would be used for mental health inmates, inmates in need of medical care, and other specialty populations.

This report examines OPSO inmate populations based upon weekly snapshots showing the number of inmates along with pending charges against them and includes a detailed review of inmates housed on August 23, 2017.

Executive Summary

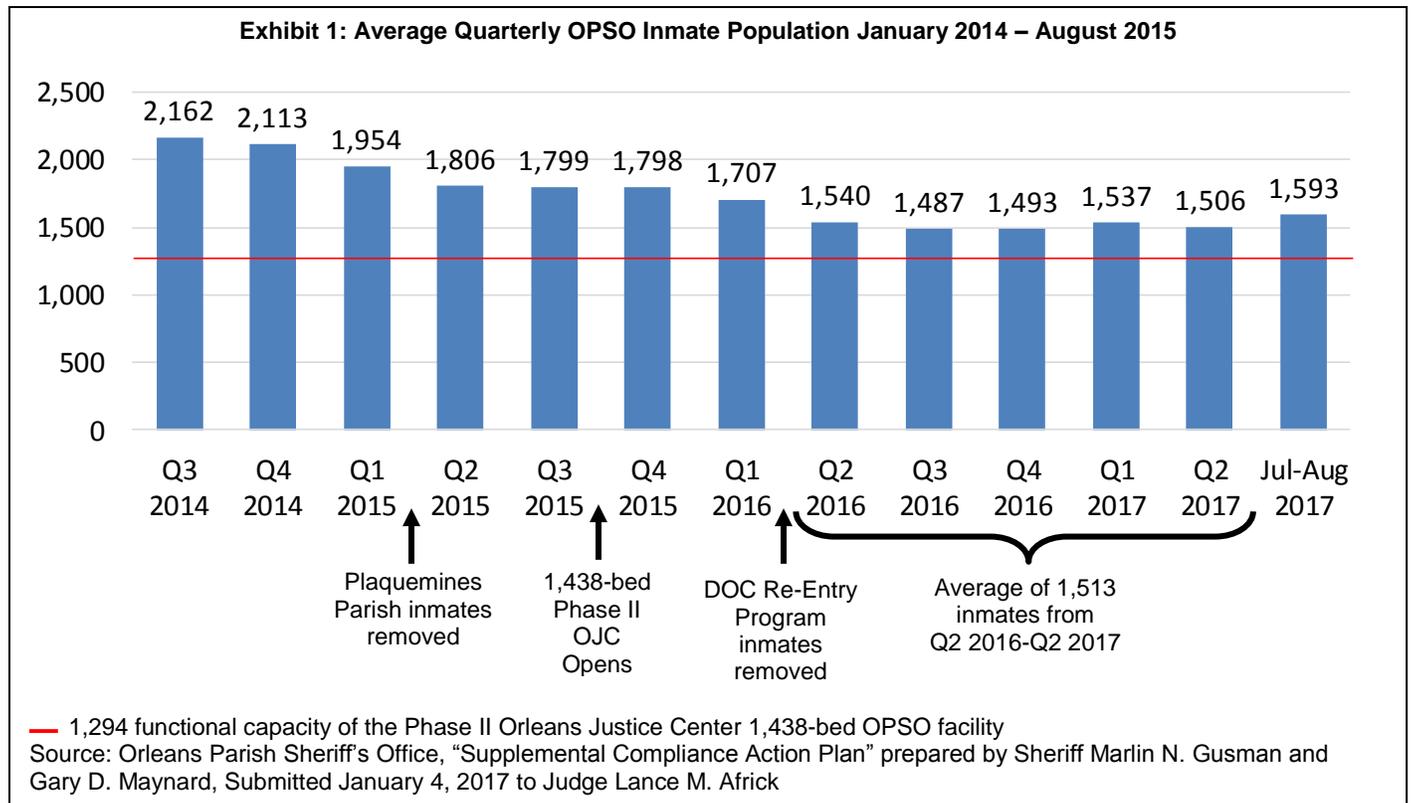
Reviewing inmate population trends over the past several years and an inmate population snapshot from August 23, 2017 finds the following circumstances regarding the use of OPSO jail facilities:

- After inmates held for Plaquemines Parish and the Department of Correction's re-entry programs were relocated, the OPSO had a consistent average 1,513-inmate population from the second quarter of 2016 through the second quarter of 2017.
- The OPSO inmate population increased by 80 to an average of 1,593 inmates in July and August of 2017.
- The 1,262 inmates in the OJC is near the facility's 1,294 functional capacity.ⁱ
- Inmates held for felony offenses make up 92% of the inmate population including 90% held pretrial awaiting resolution of pending felony charges, 1% serving time in custody of the OPSO, and 1% participating in a Department of Corrections funded Work Release program.
- Pretrial inmates charged with violent felonies and weapons felonies account for 57% of the OPSO inmate population, which confirms that the local criminal justice system is focusing its limited resources on the most serious offenders that pose the greatest threat to public safety.
- An 87% majority of OPSO inmates were housed within Orleans Parish, which includes 76% of the population held at the OJC and another 11% held in the Temporary Detention Center. The 87% inmates held in Orleans Parish is an increase from prior MCC analyses which found that as many as a third of inmates were held outside the City of New Orleans.

The OJC as a standalone facility is not capable of housing the arrests submitted by police for booking to the OPSO. New Orleans Police Department (NOPD) arrest statistics over the past years have consistently exceeded the functional capacity of the OJC, which necessitated the OPSO to house hundreds of pretrial inmates in other parishes or in its Temporary Detention Center. Continued demands will require additional jail space within Orleans Parish or ongoing reliance upon other jurisdictions to house the OPSO inmate population.

I. Average Quarterly OPSO Inmate Populations

Exhibit 1 displays the quarterly inmate population under jurisdiction of the OPSO based upon weekly snapshots that the MCC obtains from the OPSO. The red horizontal bar depicts the functional capacity of the new Phase II jail also known as the Orleans Justice Center (OJC) which can house up to 1,294 inmates.¹ Inmate classifications that lower the availability of jail space below the 1,438 beds in the facility include: gender, age, risk of institutional violence, criminal history, and medical and mental health.



There were several shifts in inmate housing over the past few years that impacted the population in OPSO custody:

- **(Feb 2015) Plaquemines Parish inmates removed from OPSO facilities.** As Plaquemines Parish was rebuilding its jail, the OPSO housed an average of approximately 60 Plaquemines inmates. These inmates were returned to Plaquemines Parish custody in February of 2015.
- **(Sep 2015) The opening of the Orleans Justice Center (OJC).** The OPSO opened Phase II of its reconstruction from Hurricane Katrina in September of 2015. The OJC was designed to house general population inmates and ordinances passed by the City of New Orleans required all other OPSO facilities to be phased out over time.
- **(Feb 2016) DOC Re-Entry program participants removed from OPSO custody.** Until February of 2016 the DOC funded the OPSO to house inmates participating in Re-Entry programs designed to provide services and opportunities that would reduce recidivism of soon-to-be released inmates. Past MCC analyses of OPSO inmate populations found from 150 to just over 200 DOC Re-Entry program participants housed by the OPSO at any given time.
- **The OPSO inmate population was stable from Q2 2016 through Q2 2017.** There was an average of 1,513 inmates in OPSO custody from the second quarter of 2016 through the second quarter of 2017. The number of inmates during this time frame ranged from a low of 1,441 to a high of 1,603, which is a range of 5%-6% above or below the average of 1,513. These fluctuations in population indicate a very consistent number of inmates in OPSO custody.
- **The inmate population increased in July and August of 2017.** The average number of OPSO inmates in July and August of 2017 increased to 1,593, which is approximately 80 more than the average inmate population of 1,513 from the second quarter of 2016 through the second quarter of 2017.

At no point since its opening was the OJC as a standalone facility capable of holding the full population in inmates in OPSO custody. The New Orleans City Council has approved use of the OPSO’s 500-bed Temporary Detention Center through May of 2019. **However, a data-driven inmate housing strategy needs to be based upon the actual numbers of inmates in custody that are either held pretrial while their criminal cases are resolved or serving time in OPSO under a judge’s sentencing order.**

II. Reasons Inmates in OPSO Custody

The MCC conducted a detailed review of the reasons inmates were in OPSO custody. **Exhibit 2** presents the numbers of inmates within different categories that were in OPSO custody on August 23, 2017. Misdemeanor inmates include those for whom the most serious charge was a state misdemeanor or city municipal violation.

A 92% majority of OPSO inmates were in custody for felony charges. The felony OPSO inmate population includes 90% held pretrial awaiting resolution of pending charges, 1% serving time in OPSO custody, and 1% DOC Work Release inmates. The trend of more than 90% felony inmates is consistent with prior MCC analyses of OPSO populations.

The 1,485 felony pretrial inmates that make up 90% of the inmate population further demonstrates that the OPSO primarily houses a felony pretrial population. The high rate of felony pretrial inmates demonstrates that local criminal justice system resources are focused on the most serious felony offenders.

MCC research into Orleans Parish arrests found that 28% of arrests in 2016 were for new felony charges, but felony pretrial inmates make up a 90% majority of the OPSO inmate population.ⁱⁱ The high rate of inmates held for felony charges shows that suspects arrested for low level misdemeanor offenses are released from custody relatively quickly.

Only 2% of inmates were serving time in OPSO custody pursuant to a sentence imposed by a judge. Inmates without active pending charges included 1% serving time for misdemeanors and 1% serving time for felonies, as well as 1% that were DOC inmates participating in a Work Release program.

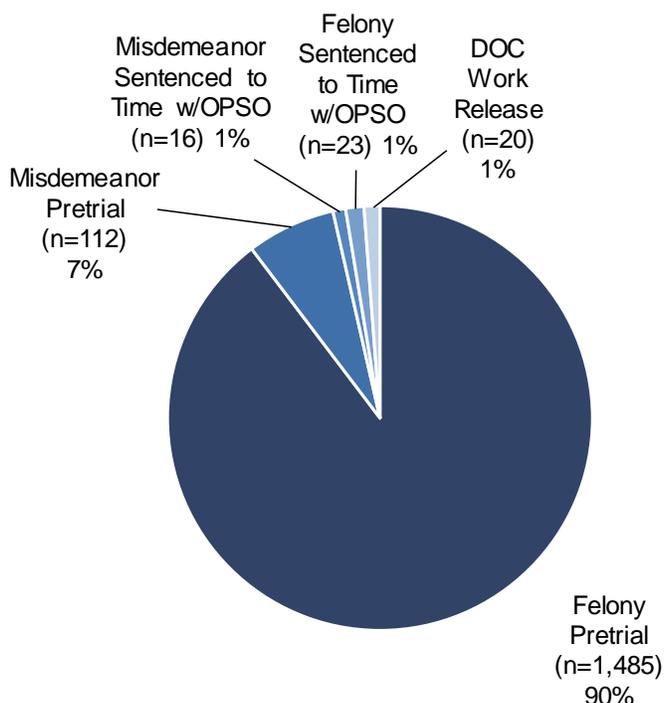
The minor 1% of inmates in custody through the DOC Work Release program confirms that OPSO jail resources are focused on pretrial offenders. The DOC reimburses the OPSO for costs associated with housing Work Release inmates.

III. Pretrial Inmates' Pending Charges

Pretrial inmates have active pending charges and remain in custody until their criminal cases are resolved, they are released by order of a judge, or they post bail. **Exhibit 3** presents the most serious pending charges against the OPSO inmate population being held pretrial.

Violent felony and weapons felony offenders accounted for 941 inmates and made up a 57% majority of the total population. These inmates include 157 inmates held for murder, 83 held for violent sex crimes, 81 held for attempted murder, 195 held for robbery, 256 held for other violent offenses such as aggravated battery and kidnapping, and 169 held for felony weapons violations. Pretrial violent and weapons felony inmates had been in OPSO custody a median of 134 days, compared to a median of 76 days that all felony pretrial inmates were in custody. The longer time that violent felony and weapons felony inmates were in custody is due in large measure to the more severe sentences associated with these offenses which prolongs case processing to reach a final disposition.

Exhibit 2: Why OPSO Inmates Were in Custody August 23, 2017 (N=1,656)



Source: Orleans Parish Sheriff's Office

Exhibit 3: Most Serious Pending Charges against Pretrial Inmates August 23, 2017

Charge	Number of Inmates	Percent of Population
FELONY PRETRIAL	1,485	90%
Homicide	157	9%
Rape/Sex Offense	83	5%
Attempted Murder	81	5%
Robbery	195	12%
Other Violent*	256	15%
Weapons	169	10%
Burglary	58	4%
Theft	73	4%
Drug Distribution	67	4%
Drug Possession	55	3%
Other Felonies**	83	5%
Warrant/Court Hold	143	9%
Probation/Parole Violation	65	4%
MISDEMEANOR PRETRIAL	112	7%
Violent	40	2%
Weapons	2	>1%
Property	20	1%
Drug	5	>1%
Other***	6	>1%
Traffic	2	>1%
Attachment	37	2%

*Other violent includes kidnapping, aggravated battery, etc.
 **Other felonies include child pornography, felony DWI, etc.
 ***Other misdemeanors includes disturbing the peace, etc.
 Source: Orleans Parish Sheriff's Office

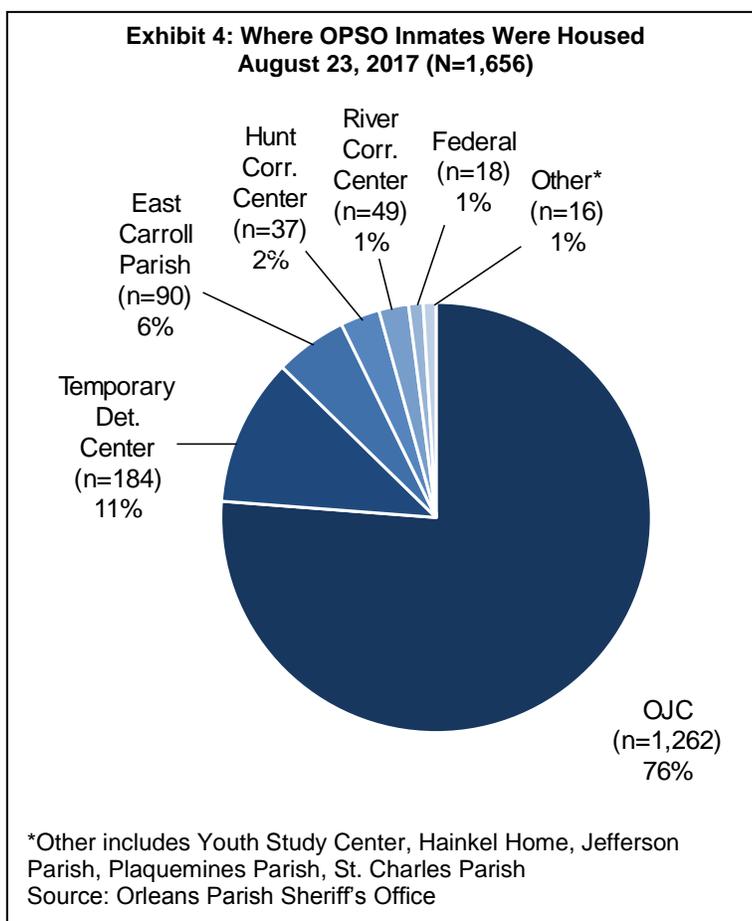
Misdemeanor pretrial inmates accounted for 7% of the total inmate population. The largest segment of misdemeanor inmates were 40 detainees charged with crimes of violence such as assault and domestic violence. Another 37 misdemeanor inmates were in custody for an attachment, which usually results from a defendant's failure to appear in court. Very few were in custody for misdemeanor drug, traffic, or other charges.

IV. Where Inmates Are Housed

An 87% majority of inmates were held in OPSO facilities including 76% in the OJC and 11% in the Temporary Detention Center (See Exhibit 4). The remaining 13% were housed in out of parish facilities. Past MCC analyses of the OPSO inmate populations found as much as a third (33%) of the inmate population held in jail facilities outside of Orleans Parish.

There were 37 inmates (or 2% of the total population) held in Hunt Correction Center which serves as the male mental health unit for the OPSO. These inmates cannot be returned to Orleans Parish without suitable medical or therapeutic facilities capable of providing for the needs of this special population.

The OJC housed 1,262 inmates, which is near its 1,294 functional capacity. Although the OJC is operating near capacity, it is only housing 76% of the inmate population. The Temporary Detention Center is the only available place to house non-mental health inmates that return to Orleans Parish in the future as the OPSO increases staffing.



V. Conclusions

- The inmate population demonstrates a healthy and appropriate criminal justice system focus on the most serious felony offender population that threatens the safety of citizens and the future prosperity of the region.** Low level misdemeanor offenders are the most common type of arrest, but violent and weapons felony offenders make up the largest segment of the inmate population. The jail is not being used to hold vast numbers of misdemeanor offenders or for convicted offenders to serve time. Rather, the strategic practices of the NOPD and the criminal justice system have shaped the jail inmate population to become comprised largely of felony offenders that have the greatest impact on the quality of life of all citizens and the image of the greater New Orleans area.
- The OJC has been and will continue to be inadequate to house the pretrial population for the foreseeable future.** Recent population trends indicate a spike in the OPSO inmate census after it remained consistent from the second quarter of 2016 through the second quarter of 2017. The City of New Orleans has expanded the NOPD's budget to greater than \$150 million to enable the department to more effectively target serious felony offenders, and those efforts are likely to generate more arrests, which will increase the inmate population.ⁱⁱⁱ

The City of New Orleans must determine whether to maintain adequate local infrastructure to house the inmate population generated by the criminal justice system or to house inmates in other jurisdictions. Holding inmates outside of Orleans Parish reduces defense attorneys' access to their clients, deprives defendants' access to their families, delays case processing, and increases costs to the criminal justice system for continued incarceration. The Temporary Detention Center has the capacity to house the non-mental health felony pretrial inmates, but the City Council has only approved its use through May of 2019.

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ⁱSOURCE: "Supplemental Compliance Action Plan" prepared by Sheriff Marlin N. Gusman and Gary D. Maynard, Submitted January 4, 2017 to Judge Lance M. Africk

ⁱⁱ"Orleans Parish Criminal Justice System Accountability Report May 2017: 2013-2016 Arrests and Felony Case Outcomes," Metropolitan Crime Commission, May 2017; <http://metrocrime.org/wp-content/uploads/2017/05/NO-CJS-Accountability-Report-May-2017.pdf>

ⁱⁱⁱ"Proposed 2018 city budget funnels record amount to NOPD," WWL-TV, July 31, 2017