



# METROPOLITAN CRIME COMMISSION

## St. Tammany Criminal Justice Accountability Project

### 2016-2017 Arrests and Felony Case Outcomes (November 2018)

This is the second in a series of annual reports examining the performance of St. Tammany Parish police and prosecutors. The goals of this work are to provide the public with an understanding of how its criminal justice system operates and to promote improved administration of criminal justice.

The numbers of arrests and the outcomes of felony arrests are the main focus of this report. This report compares recent criminal justice system performance to what was seen prior to leadership changes in the St. Tammany Parish Sheriff's Office and District Attorney's Office over the past few years.

#### Background

St. Tammany Parish has numerous police agencies. The largest police agency is the St. Tammany Parish Sheriff's Office (STPSO) who provided arrest data for this report. The Slidell Police Department (SPD), and Covington Police Department (CPD) also provided arrest information included in this report.

St. Tammany Parish felony cases are prosecuted by the District Attorney's Office (DA's Office) for the 22<sup>nd</sup> Judicial District Court (JDC). This report does not include any arrest or prosecution information from Washington Parish although the DA's Office also has prosecutorial authority in that jurisdiction. Information about the outcomes of felony cases was compiled from records provided by the DA's Office and the St. Tammany Clerk of Court as well as supplemental data entry performed by the MCC via the Clerk of Court's online information system.

DA Warren Montgomery was first sworn into office January 11, 2015. Since 2015 was a transition year, this report focuses on

felony arrest outcomes of DA Montgomery's first full year in office during 2016. St. Tammany Parish Sheriff Randy Smith was sworn into office on June 30, 2016 and replaced Sheriff Jack Strain.

St. Tammany Parish enjoys a relatively low crime rate when compared to national Uniform Crime Reporting (UCR) statistics collected by the Federal Bureau of Investigation. Violent crime rates per 100,000 residents in 2016 and 2017 were 59% below the national rate and 72% lower than the rate in Louisiana.<sup>1</sup> Property crime in St. Tammany Parish was 43% below the national average and 58% below the state average.<sup>1</sup>

#### Summary

- Police and prosecutors continued to maintain high felony arrest to conviction rates that exceed the national average as the criminal justice system underwent the transitions of a new Sheriff and DA.
- There was a moderate increase in arrests for violent and weapons offenses in 2016 and 2017, which may indicate an increased focus by police and prosecutors on these most serious crimes.
- Felony drug arrests decreased over the past several years as St. Tammany undertook several initiatives to improve the delivery of mental health and drug treatment services.
- It took medians of 69 days in 2016 and 57 days in 2017 to reach decisions on whether to prosecute felony suspects. Police and prosecutors are encouraged to work together to improve efficiency in how long it takes from the time of arrest to reach a decision on charges that will be prosecuted.

#### St. Tammany Parish Arrests

There were moderate fluctuations in the numbers of arrested subjects booked into custody from 2014 through 2017 (see Exhibit 1). Arrests dipped from 2014 to 2016 and then went back up in 2017.

The most common types of arrests were for warrant/attachment and other state arrests (see I. **Warrant/Attachment & Other State Arrests**). These arrests include out of parish warrants, contempt of court, probation or parole violations, and defendants surrendering for imposition of sentence after being convicted.

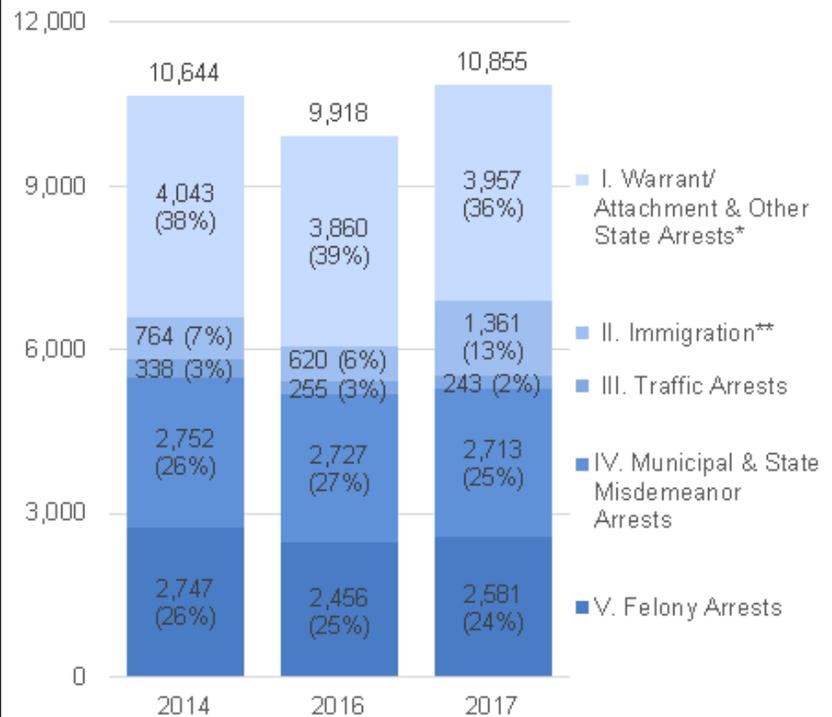
The biggest fluctuations in jail bookings was seen with inmates held for Immigration and Customs Enforcement (ICE) that were not arrested by local law enforcement (see II. **Immigration**). There were 764 inmates booked for ICE holds in 2014, which fell slightly to 620 in 2016 before more than doubling to 1,361 in 2017.

Traffic enforcement consistently made up the smallest portion of bookings and accounted for 2% to 3% of arrests across 2014 through 2017 (see III. **Traffic Arrests**).

New municipal and misdemeanor arrests accounted for 25% to 27% of all jail bookings, but the actual numbers of these arrests had a narrow range from 2,752 in 2014 to 2,713 in 2017 (see IV. **Municipal & State Misdemeanor Arrests**).

Consistently, between 24% and 26% of all arrests were for new felony offenses (see V. **Felony Arrests**).

Exhibit 1: St. Tammany Total Arrest Bookings 2014, 2016, 2017



\*Includes probation/parole violations, being taken into custody upon sentencing to incarceration, contempt of court, out of parish fugitives, etc.  
 \*\*These inmates are not arrested by local law enforcement and are housed in local custody for federal authorities  
 Source: St. Tammany Parish Sheriff's Office, SPD, CPD

**Felony Arrests**

MCC analysis focuses on felony offenses because these crimes pose the greatest risk to public safety and quality of life of all citizens. Felonies represent the most significant crimes handled by the St. Tammany criminal justice system and include murder, rape, robbery, weapons offenses, burglary, theft, and narcotics possession and distribution. Only felony convictions can generate prison sentences of greater than one year. A felony arrest that does not result in a conviction because of a lack of cooperation and coordination between police and prosecutors is a failed outcome that adversely affects public safety.

Total felony arrest numbers had moderate changes from 2014 to 2017 (see **Exhibit 2**). Felony arrest totals went down from 2,747 in 2014 to 2,456 in 2016 before rising to 2,581 in 2017. Over the same time frame, reported UCR crime went down from 4,098 offenses in 2014 to 3,661 in 2017.<sup>1</sup>

The biggest reductions in types of felony arrests was for drug offenses. There were 965 felony drug arrests in 2014, which were the most numerous type of felony offense booking. In 2016, there were 675 felony drug arrests which increased slightly to 714 felony drug arrests in 2017.

Property felony charges increased to account for the largest portion of felony arrests across the study period. The number of felony property arrests grew from 882 in 2014 to 941 in 2017.

Weapons felony and violent felony arrests increased from 2014 through 2017. In 2014, there was a combined total of 547 weapons and violent felony arrests that made up 20% of all felony arrests. Weapons and violent felony arrests in 2017 grew to 618 and accounted for 24% of all felony arrests.

“Other” felony arrests include offenses such as third offense driving while intoxicated (DWI), failure to register as a sex offender, obscenity, escape, and vehicular homicide. These types of offenses accounted for 12% to 13% of felony arrests and had a small fluctuations from 2014 to 2017.

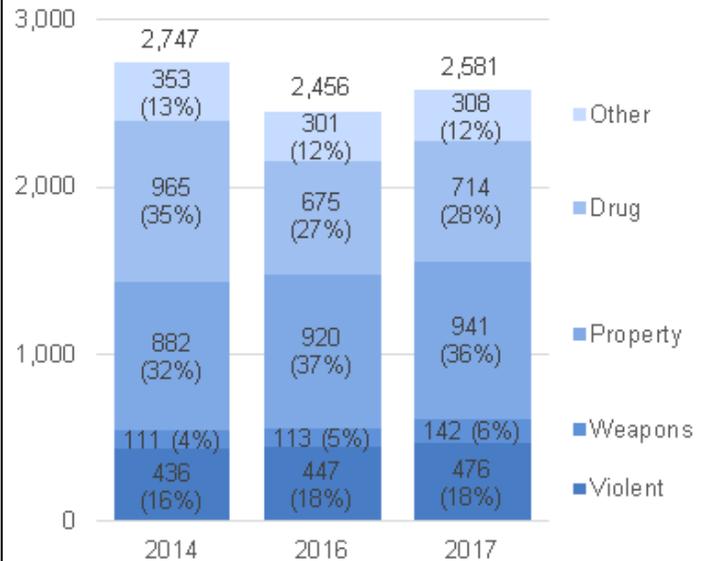
**Billing Decisions**

Once police make a felony arrest, they assemble and document evidence of a criminal offense and submit an investigative report to the DA’s Office. The prosecutorial decision whether or not to charge someone with a criminal offense is called a billing decision. The DA’s Office reviews investigative reports submitted by the arresting agency to determine if there is sufficient evidence to prove guilt and obtain a conviction. The billing decision of the DA’s Office may be to accept a case or refuse to prosecute a case. In some cases, suspects may enter the DA’s Diversion Program and have their cases refused or dismissed upon successful completion of the program.

**Exhibit 3** shows acceptance rates for felony cases from 2014, prior to the current DA’s Administration, and acceptance rates in 2016 and 2017 under the current DA. Acceptance rates were almost identical across all years with a 95% to 96% majority of felony arrests resulting in charges accepted for prosecution.

**Exhibit 4** shows the median days that it took for law enforcement to submit cases for screening to the DA’s Office and for the DA’s Office to then make felony case billing decisions to accept or refuse charges. The median is the middle point with half of charging decisions taking less time and half taking more time than the median. The median time to reach a billing decision increased from 48 days in 2014 to 69 days in 2016 before going down to 57 days in 2017. A review of arrest data shows that at least 33% of those arrested for felonies in 2016 and 2017 remained in custody through the time it took for a billing decision to be reached.

**Exhibit 2: St. Tammany Felony Arrests 2014, 2016, 2017**



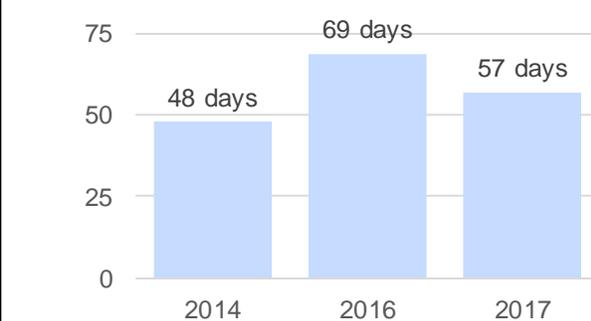
NOTE: “Other” felony arrests include charges such as felony driving while intoxicated, failure to register as a sex offender, and indecent behavior with a juvenile  
 Source: St. Tammany Parish Sheriff’s Office, SPD, CPD, 22<sup>nd</sup> JDC DA’s Office, St. Tammany Clerk of Court

**Exhibit 3: Felony Arrest and Case Billing Decisions**



NOTE: There are more felony cases and arrests in Exhibit 3 than Exhibit 2 because some misdemeanor arrests resulted in felony charges  
 Source: St. Tammany Parish Sheriff’s Office, SPD, CPD, 22<sup>nd</sup> JDC DA’s Office, St. Tammany Clerk of Court

**Exhibit 4: Median Times to Reach Billing Decisions**



Source: St. Tammany Parish Sheriff’s Office, SPD, CPD, 22<sup>nd</sup> JDC DA’s Office, St. Tammany Clerk of Court

**Changes in Felony Case Outcomes**

**Exhibit 5** presents the outcomes of felony cases that closed within one year of arrest for 2014 and 2016. Information for 2014 was updated to only examine cases that closed within one year of arrest in order to consistently compare outcomes over years.

The rate of cases accepted into the pretrial DA's Diversion Program went down slightly from 5% in 2014 to 3% in 2016. Firm criteria and guidelines for eligibility to participate in the DA's Diversion Program were first established in 2016.

Charges refused for prosecution accounted for 5% of 2014 arrest charges that were resolved within one year of arrest, which had a nominal increase to 6% in 2016.

Dismissals of cases after being accepted had a small decrease from 7% in 2014 to 5% in 2016. Lower dismissal rates suggest improved investigations and billing decisions.

The biggest change from 2014 to 2016 was an increase in felony cases concluding through a misdemeanor conviction. The rate of felonies being transitioned to misdemeanors went from 15% in 2014 and to 23% in 2016.

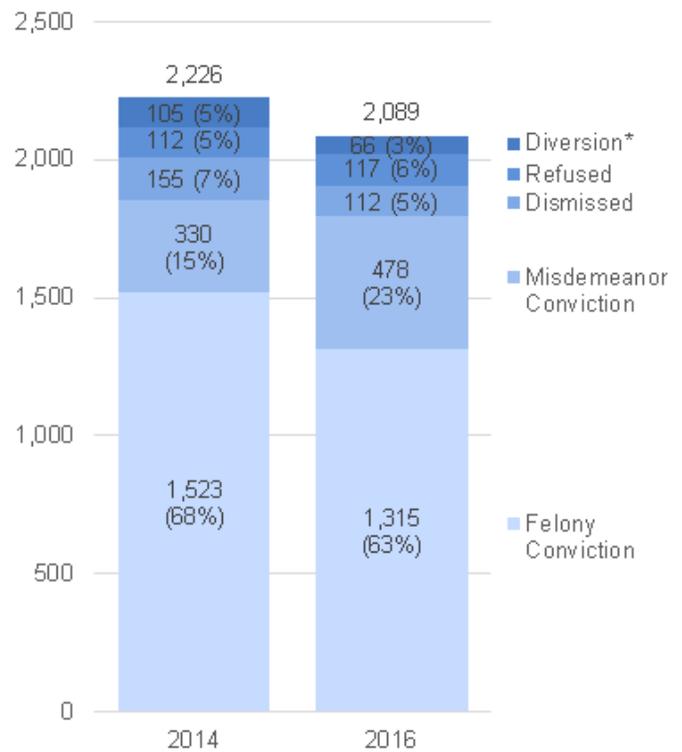
Although the rate of felony arrests resulting in felony conviction had a moderate decline, there was an increase in felony arrests resulting in a conviction for any type of offense. Arrests from 2014 had a combined 83% conviction rate that included 15% of felony arrests resulting in misdemeanor conviction and 68% resulting in felony conviction. The rate of conviction for 2016 was 86%, which includes 23% convicted of misdemeanors and 63% convicted of felonies.

**Felony Conviction Rates by Type of Offense**

**Exhibit 6** shows the rates of conviction for 2014 and 2016 cases that closed within one year of arrest by the most serious type of charge. This comparison further examines how felony case outcomes may have transitioned under a new DA administration.

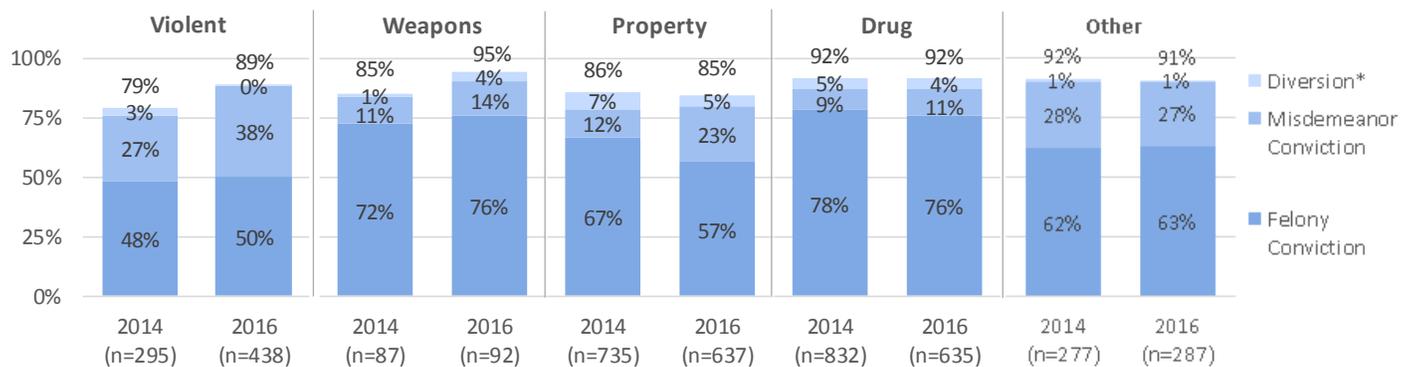
Violent felony arrests had one of the highest increases in conviction rates. There was small growth in violent felony arrests resulting in felony convictions from 48% in 2014 to 50% in 2016.

**Exhibit 5: 2014 and 2016 One-Year Outcomes of Felony Arrests and Cases**



\*DA Diversion Program cases allow defendants to have charges refused or dismissed in exchange for completing programs to address the root cause of their criminal behavior  
 NOTE: There was 1 trial verdict of not guilty from 2014 and 2 not guilty trial verdicts from 2016 that are not depicted in exhibit  
 Source: St. Tammany Parish Sheriff's Office, SPD, CPD, 22nd JDC DA's Office, St. Tammany Clerk of Court

**Exhibit 6: 2014 and 2016 St. Tammany Felony Arrest Convictions by Type of Charge**



\*DA Diversion Program cases allow defendants to have charges refused or dismissed in exchange for completing programs to address the root cause of their criminal behavior  
 Source: St. Tammany Parish Sheriff's Office, SPD, CPD, 22nd JDC DA's Office, St. Tammany Clerk of Court

At the same time, violent felony arrests resulting in misdemeanor convictions increased from 27% in 2014 to 38% in 2016. The most common violent felony arrest charge reductions were felony battery reduced to misdemeanor simple battery.

Weapons felony arrests also had a large increase from an 85% overall conviction rate in 2014 to 95% in 2016.

Property felonies had consistent overall conviction rates but were more likely to be reduced to misdemeanor charges. In 2014, 12% of property felonies were reduced to misdemeanors which increased to 23% of 2016 property felonies reduced to misdemeanors. Property felonies were most often reduced to misdemeanor charges when the value of a theft was lowered beneath the \$750 felony threshold.

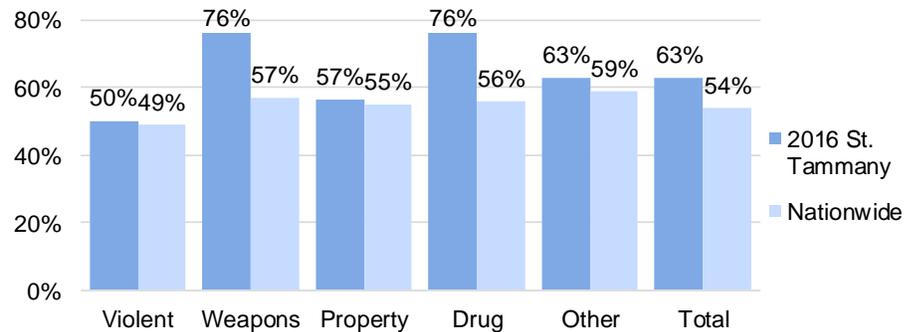
Outcomes for drug and felonies in the “other” category showed little change from 2014 to 2016. Other felonies had a 28% rate of being reduced to misdemeanors in 2014 and a 27% rate of being reduced to misdemeanors in 2016. Commonly, other felonies changed to misdemeanors when felony DWI charges were reduced to misdemeanor first or second offense DWI.

**Exhibit 7** compares St. Tammany 2016 felony arrest to felony conviction rates to what was found in the most recent study of nationwide felony conviction rates.<sup>2</sup>

St. Tammany has a higher felony conviction rate for every category of offense. The highest differences are found with drug and weapons offenses. The 76% felony conviction rate for drug offenses is 20 percentage points higher than the 56% national average. Similarly, weapons felonies had a 76% felony conviction rate, which is 19 percentage points higher than the national average.

St. Tammany felony conviction rates were slightly higher than what is seen nationwide for violent, property, and other felonies.

**Exhibit 7: 2016 One Year St. Tammany Felony Arrest to Felony Conviction Rates by Arrest Charge Category Compared to Nationwide Statistics**



Source: St. Tammany Parish Sheriff’s Office, SPD, CPD, 22<sup>nd</sup> JDC DA’s Office, St. Tammany Clerk of Court, “Felony Defendants in Large Urban Counties, 2009 – Statistical Tables,” Department of Justice, December 20, 2013

**Conclusions and Recommendations**

**Police and prosecutors continued to maintain high felony conviction rates under the leadership of a new St. Tammany Parish Sheriff and District Attorney.** A 63% majority of 2016 felony arrests resulted in felony convictions and an additional 23% resulted in misdemeanor convictions as St. Tammany consistently held conviction rates higher than the national average and had overall increases from 2014 levels. Police and prosecutors continued to apply the effective communication, collaboration, and coordination needed to develop the evidence necessary to prove a suspect’s guilt in a majority of felony cases.

Violent and weapons felony arrests increased over the past several years, which is a likely indication of the priority law enforcement places upon these crimes that most degrade St. Tammany quality of life and public safety. The criminal justice system met the challenge of more violent and weapons felony cases by sustaining high conviction rates for all types of offenses.

Additionally, there has been a reduction in drug arrests in 2016 and 2017 when compared to 2014. St. Tammany Parish has embraced a number of progressive, cutting edge initiatives such as drug courts, reentry courts, behavioral health courts, and programs that offer rehabilitation to drug users seeking help in lieu of arrest. Additionally, St. Tammany Parish leaders worked to expand the delivery of mental health services through the Safe Haven project. The reduction in felony drug arrests may signal that these initiatives to improve services for individuals with mental health and addiction disorders are taking root and having positive impacts in the community.

**Recommendation:** The MCC respectfully recommends that police and prosecutors work together to reduce the time that it takes to screen felony cases and reach billing decisions. It took police and prosecutors a median of 48 days to reach a billing decision in 2014. From there, the billing decision time increased to 69 days in 2016. In 2017, the billing decision time improved but remained excessive at 57 days.

Louisiana Code of Criminal Procedure Article 701 provides that felony suspects may be held in custody for no more than 60 days without charges being filed, except in cases involving the death penalty or life imprisonment for which charges must be filed within 120 days. The 57-day time to reach billing decisions closely abuts the legal limitation for detaining the majority of felony defendants. Prolonged time for screening decisions also has negative impacts on victims, witnesses, and the accused whose lives are disrupted as they await resolution of pending criminal charges. The increased time to reach billing decisions slows the entire processing of felony cases, and increases costs to taxpayers detaining felony suspects that remain in custody as their cases conclude.

Police and prosecutor success in achieving felony convictions can also be applied to reducing the time it takes to reach billing decisions. Holding regular meetings between police and prosecutors for the most serious charges can improve the time it takes to reach billing decisions. Improvements are best achieved through meeting regularly to more easily identify and solve problems and trends that are affecting the efficient administration of justice for the all felony cases in the criminal justice system.

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<sup>1</sup>Source: FBI, Uniform Crime Reports as prepared by the National Archive of Criminal Justice Data, [ucr.fbi.gov](http://ucr.fbi.gov)

<sup>2</sup>Source: “Felony Defendants in Large Urban Counties, 2009 – Statistical Tables,” Department of Justice, December 20, 2013