



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System

2009 Accountability Report

Since the beginning of 2007, the New Orleans Criminal Justice system has shown notable improvements in efficiency with respect to convicting felony offenders, but the system remains inundated with arrests for very minor offenses. In this ongoing series of reports, the Metropolitan Crime Commission (MCC) monitors arrests, cases accepted for prosecution, and closed felony cases to examine the performance of the New Orleans Police Department (NOPD) and the Orleans Parish District Attorney's (DA's) Office.

Positive Criminal Justice System Performance Indicators

- The District Attorney's Office accepted a greater number of state cases for prosecution in 2009.
- Convictions for felony offenses have significantly increased for all types of crime, including convictions for violent felonies which more than doubled from 216 in 2008 to 491 in 2009.

Other Criminal Justice System Performance Indicators

- The NOPD dramatically increased arrests for minor, low-risk offenses in 2009.
- The NOPD had a correspondingly low rate of felony arrests which accounted for 13% of all arrests in 2009.

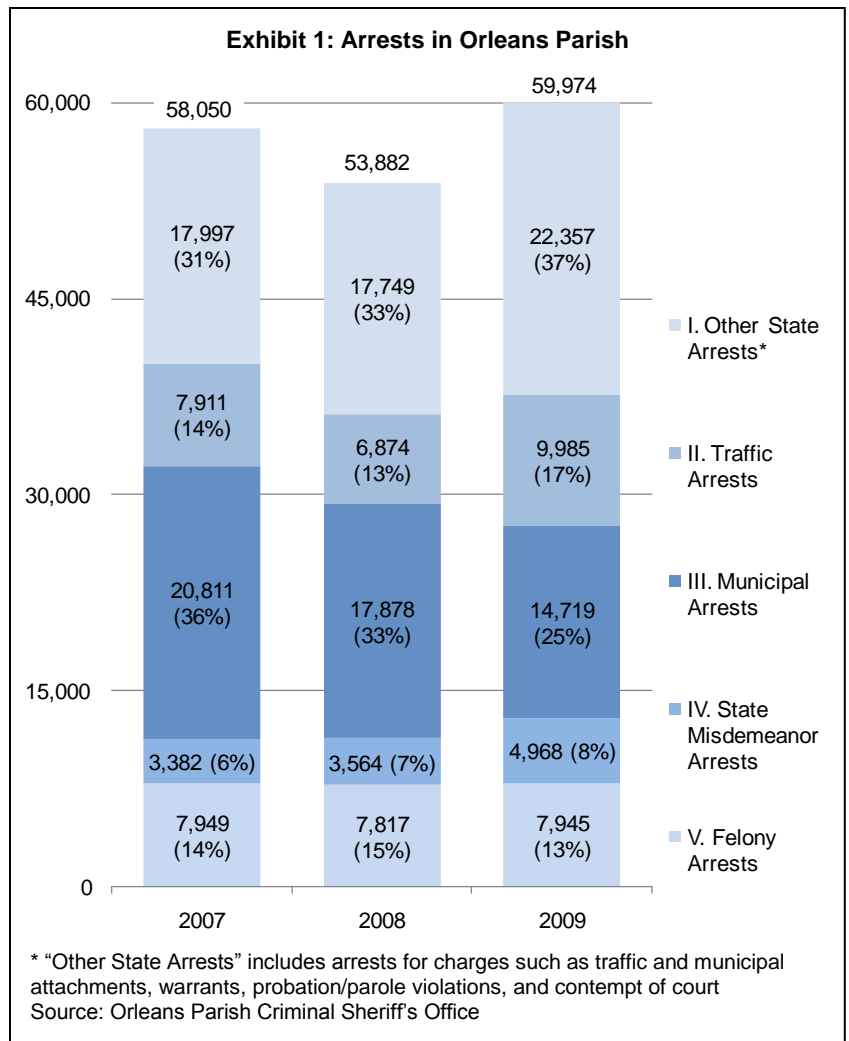
Arrests in Orleans Parish

In 2009, the NOPD accelerated the number of arrests with the greatest increases in arrests for minor offenses:

There were 59,974 arrests in 2009, which is an increase of 6,092 (or 11%) from the previous year and the highest annual arrest total since 2007 (see Exhibit 1). There was approximately one arrest for every six residents in Orleans Parish during 2009.¹ Nationwide statistics indicate approximately one arrest for every 21 residents.²

"Other State Arrests" was the largest category of arrest offenses in 2009 and increased 4,610 (or 26%) from 2008 (see I. Other State Arrests). Out of parish warrants, probation and parole violations, and contempt of court charges are the underlying offenses for "Other State Arrests." 20,514 (or 92%) of the 22,359 other state arrests were for out of parish warrants for offenses ranging from unpaid traffic citations to felony crimes. Sixty-seven percent (67%) of those arrested for an out of parish warrant were released in a day or less. More than half (57%) of these arrests were the result of warrants issued from Jefferson Parish.

Traffic arrests increased by 3,109 (or 45%) from 2008 to 2009 (see II. Traffic Arrests). Eighty-nine percent (89%) of those arrested for traffic offenses were released in one day or less. The most common traffic arrest offenses were license violations (7,682), driving while intoxicated (1,148), and traffic attachments (550). Driving while intoxicated (DWI) accounted for approximately 2% of all Orleans Parish arrests in 2009. Nationwide, approximately 10% of all arrests are for DWI.²



Consistent with trends documented since 2007, arrests for municipal offenses were reduced by 3,159 (or 18%) from 2008 to 2009 (see III. Municipal Arrests). As municipal arrests decreased, there was an increase of 1,404 (or 39%) state misdemeanor arrests (see IV. State Misdemeanor Arrests). One cause of change in municipal and state misdemeanor arrest statistics is that more domestic violence cases were prosecuted in state court in 2009. In 2008, there were less than 50 individuals charged with state domestic violence charges. In 2009 this figure rose to more than 1,350 state domestic violence charges.

The number of state felony arrests did not show great change and increased by 128 (or 2%) from 2008 to 2009. However, felony arrests accounted for 2% less of total arrests in 2009 compared to 2008. Twelve percent (12%) of individuals arrested for felony offenses were released in one day or less. Comparatively, 61% of individuals arrested for municipal offenses and 25% of individuals arrested for state misdemeanor offenses were released in one day or less.

Re-arrest Rates 2007-2009

Examining rearrest rates from 2007 through 2009 reveals that most suspects were arrested a single time for minor offenses. A 63% majority of suspects were arrested once during a three-year period (see Exhibit 2). On the other end of the spectrum, 9% of defendants were arrested five times or more and accounted for one-third (33%) of all arrests. On average, each suspect was arrested two times from 2007 through 2009.

Exhibit 3 shows the most serious charges against suspects arrested once compared to suspects arrested more than once from 2007 through 2009. Individuals arrested once from 2007 through 2009 were usually charged with less serious offenses than those arrested multiple times.

Fifty percent (50%) of those arrested once were charged with a municipal (31%) or traffic offense (19%). Twelve percent (12%) were charged with a state felony and 7% were charged with a state misdemeanor.

Thirty-nine percent (39%) of suspects arrested two or more times from 2007 through 2009 were charged at some point with a state felony, and 16% were arrested multiple times for felony offenses. Thirteen percent (13%) were charged with a state misdemeanor offense. Twenty percent (20%) of suspects arrested more than once had municipal (16%) or traffic (4%) offenses as their most serious charge.

The most serious arrest charge was an "Other State Offense" for similar percentages of suspects arrested once (31%) and suspects arrested more than once (29%). Most often, "Other State Offenses" are out of parish warrants or attachments for which defendants are released from jail in less than one day.

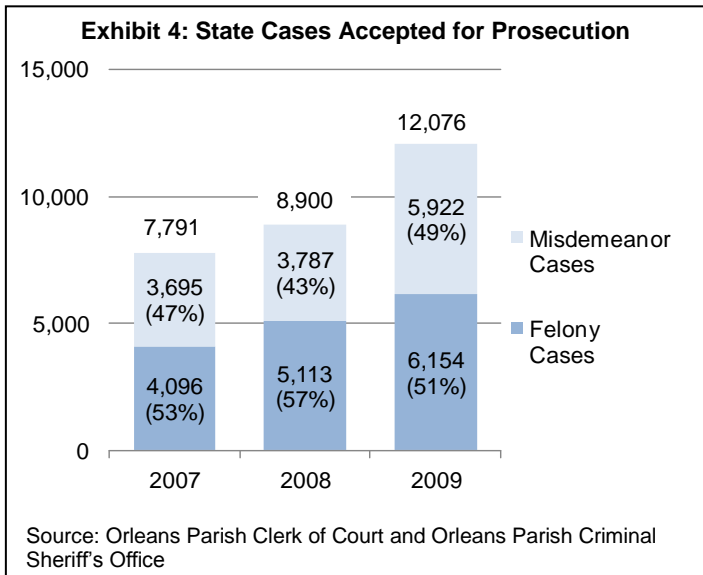
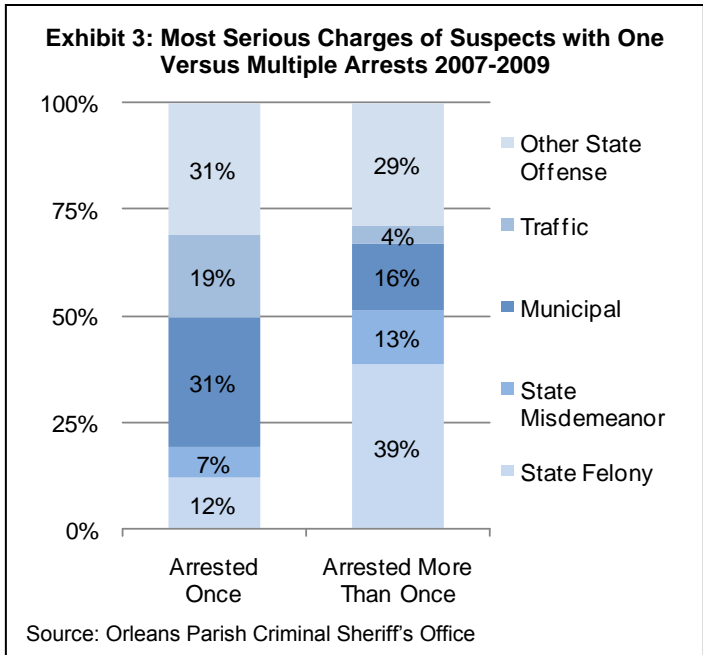
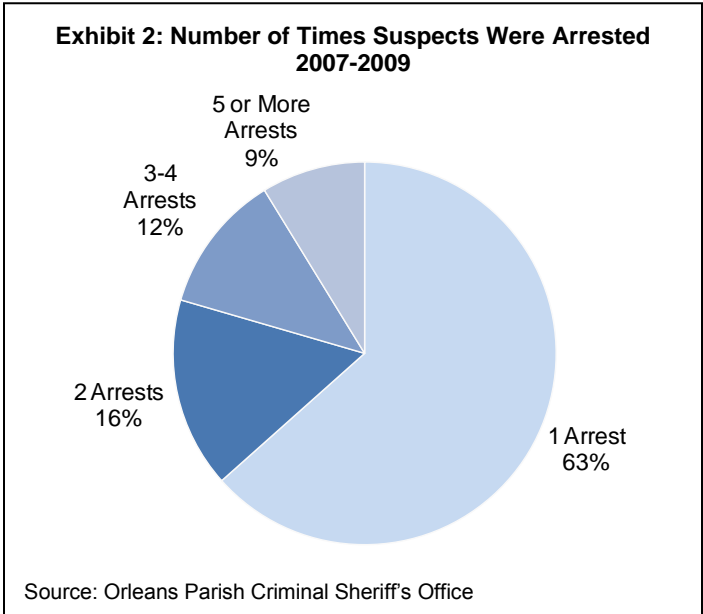
State Cases Accepted for Prosecution

For each new state arrest, police document evidence against a defendant and prepare a report that is submitted to the DA's Office. The DA's Office then reviews the police report and may perform additional investigatory activities. Charges are accepted for prosecution if the evidence appears strong enough to obtain a conviction. When the DA's Office determines that it does not have sufficient evidence to warrant a conviction, it refuses or declines to prosecute the case and there are no further proceedings.

The DA's Office significantly increased the number and severity of criminal prosecutions in 2009.

Cases accepted for prosecution increased by 3,176 or 36% from 2008 to 2009 (see Exhibit 4). The largest increase in prosecutions occurred in misdemeanor cases which rose by 2,135 (or 56%) in 2009 compared to 2008. The biggest change in misdemeanor prosecutions was seen in violent misdemeanor cases. In 2008, the DA's Office accepted 165 violent misdemeanor cases. In 2009 this increased to 1,260 violent misdemeanor cases accepted for prosecution.

Felony cases accepted for prosecution rose by 1,041 (or 20%) in 2009 compared to 2008. The biggest change in felony cases accepted for prosecution was seen in violent cases which increased 78% from 694 in 2008 to 1,232 in 2009. In addition, cases prosecuted for weapons felonies increased 67% (from 285 in 2008 to 477 in 2009) while property felonies increased 66% (from 844 in 2008 to 1399 in 2009). Cases accepted for drug felony offenses fell 10% (from 2,960 in 2008 to 2,663 in 2009).



Closed Felony Cases

The prosecution of an accepted case closes 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. The MCC focuses on felonies because only felony convictions can result in a sentence of incarceration in the Department of Corrections, with violent felony convictions having one of the highest incarceration rates. Felony convictions also provide a basis for enhanced sentencing if an offender has any future felony convictions.

The number of closed felony cases and convictions dramatically increased in 2009 (see Exhibit 5). The 4,739 closed felony cases in 2009 represents an increase of 1,263 or 36% compared to 2008. The increase in closed felony cases is largely the result of more convictions through guilty pleas or trial verdicts. There were 1,452 or 58% more convictions in 2009 compared to 2008.

The DA's Office has steadily reduced the number of dismissed cases since 2007. Dismissals are cases that the DA's Office originally determined to have enough evidence to achieve a conviction that were later found to be nonviable. In 2007, there were 1,134 dismissals. The number of dismissals fell 23% to 877 dismissals in 2008. In 2009, dismissals fell an additional 25% to 660 dismissed cases. The falling dismissal rate is a strong indication of better screening practices within the DA's Office and improved quality of investigations.

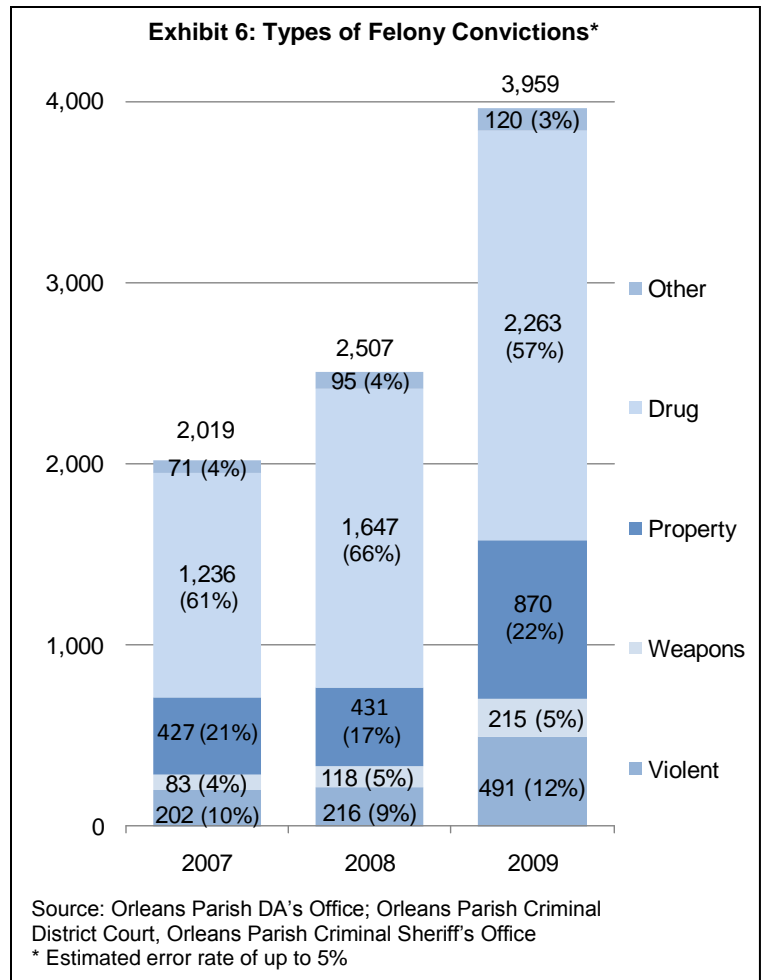
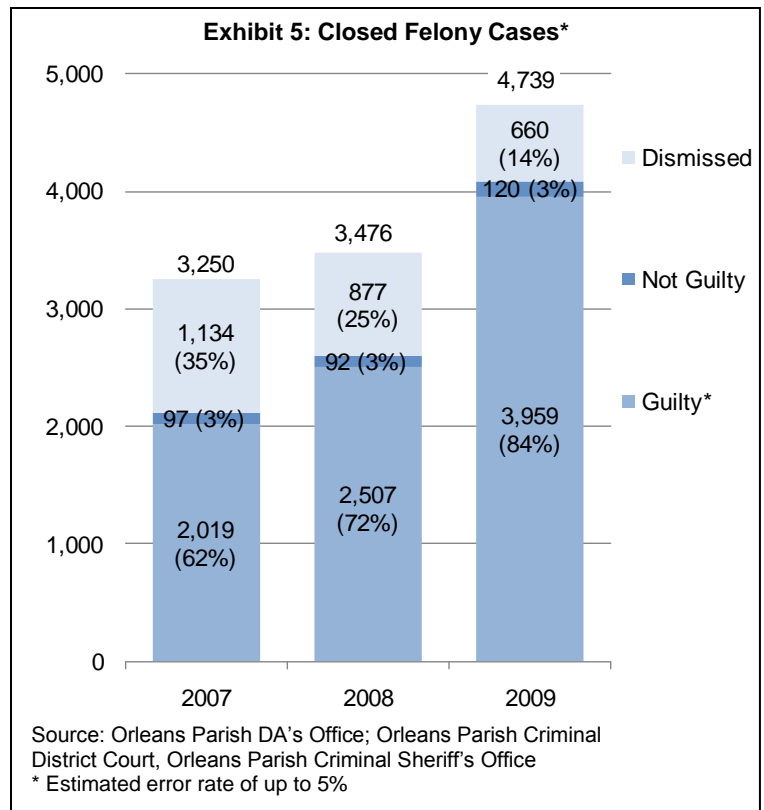
A defendant can only be found not guilty as a verdict from a judge or a jury trial, and the not guilty rate has consistently been 3% of all closed cases from 2007 through 2009.

Types of Felony Convictions

Convictions for every category of offense increased in 2009 (see Exhibit 6).

The strongest increases are seen in convictions for violent, property, and weapons offenses. **Violent felony convictions more than doubled from 216 in 2008 to 491 in 2009 (a 127% increase),** and property felony convictions doubled from 431 convictions in 2008 to 870 in 2009 (a 102% increase). **Weapons felony convictions had a sizeable (82%) increase from 118 in 2008 to 215 in 2009.** Drug felony convictions had a lower (37%) rate of increase from 1,647 in 2008 to 2,263 in 2009.

As the number of convictions increased, there has been moderate improvement in the severity of conviction charges. Violent felonies increased from 9% of total convictions in 2008 to 12% in 2009. Although there have been improvements in convictions for violent felony offenses, violent felony charges account for a low percentage of overall felony convictions in Orleans Parish compared to national figures. Nationwide, violent crimes comprise approximately 18% of all felony convictions,³ compared to 12% of felony convictions in Orleans Parish in 2009.



CONCLUSIONS

Felony convictions have increased and the DA's Office is steadily accepting more new cases for prosecution; however focusing upon more serious criminal offenses would better optimize the use of finite criminal justice system resources. Exercising discretion to issue tickets and summonses rather than arresting for minor offenses can further improve criminal justice system performance by freeing resources to increase arrests, investigations, and prosecutions for felony and violent offenses.

The MCC commends the NOPD and DA's Office for the rise in felony convictions, particularly for crimes of violence. Overall, there were 58% more felony convictions in 2009 compared to 2008, and violent felony convictions increased by 127%. This rise in felony convictions appears likely to continue because of the steady increase in new felony cases accepted for prosecution.

As the number of convictions has risen over the past three years, there has been a sharp decline in dismissed cases. All cases accepted for prosecution are allotted to a section of court where court personnel, sheriff's deputies, defense attorneys, prosecutors, defendants, and witnesses participate in the case's processing. Dismissed cases consume resources by progressing through the criminal justice system like any other cases until the DA's Office determines that it is nonviable. Dramatic reductions in dismissals represent a significant improvement in the utilization of criminal justice system resources.

More accepted cases, higher conviction numbers, and lower dismissal rates are indicators of improved investigations and a sign of better cooperation and coordination between the NOPD, DA's Office, court, and defense bar. These advances provide a strong foundation for future improvements in criminal justice system performance.

The MCC respectfully encourages the new NOPD administration to reduce the high volume of misdemeanor arrests of low risk offenders by increasing the use of summonses and tickets. The 2009 arrest rate in Orleans Parish was more than three times greater than comparable national statistics, and the majority of arrests were for minor offenses that resulted in very little jail time.

The largest increases in arrests between 2008 and 2009 were arrests for "Other State Offenses" and traffic offenses. The number of felony arrests was unchanged, and felony arrests accounted for a smaller portion of the overall arrest total.

The largest category of arrests was "Other State Offenses", the majority of which were for out of parish warrants such as traffic attachments. More than 20,000 arrests in 2009 were for individuals with out of parish warrants, which accounted for more than one-third (34%) of all arrests. Sixty-

seven percent (67%) of these suspects were released in a day or less. In a majority of these arrests, the warrants were for minor offenses and the jurisdictions issuing the warrants declined to extradite these suspects.

The NOPD also increased arrests for traffic offenses and arrested almost 10,000 individuals for traffic offenses in 2009. License violations such as driving with a suspended license accounted for more than three-fourths (77%) of traffic arrests and 13% of all arrests in 2009. Eighty-nine percent (89%) of traffic offenders were released within one day.

Examining rearrest rates and arrest charges over the past three years demonstrates that most arrested suspects were charged once for minor offenses. A 63% majority of arrested subjects were arrested once from 2007 through 2009. A 12% minority of those arrested once were charged with a felony. The majority of suspects arrested once over the previous three years was charged with misdemeanor, traffic, municipal, or other minor offenses and were not accused of additional arresting offenses thereafter.

* * *

Previous MCC Criminal Justice System Accountability reports have documented the acute financial expense of having a high volume of arrests for minor offenses and the high number of NOPD officers compared to the number of city residents. This report finds an arrest rate in excess of three times the national average and that most arrested subjects are charged with minor offenses, detained for brief periods of time, and are unlikely to be arrested again. The current NOPD arrest strategy appears to squander criminal justice system resources by focusing upon individuals who pose little or no threat to community safety and spend little time in jail.

Arresting large segments of the city's population for minor offenses may also impede criminal justice system effectiveness by alienating large segments of the community. The criminal justice system must rely upon citizens to report crime, provide testimony, and serve as jurors. Jailing thousands of individuals for minor offenses compromises the trust and cooperation of a substantial portion of the city's residents.

The MCC encourages the NOPD to maximize the utilization of its resources by focusing arrest strategies upon arresting more serious offenders. Utilizing legally permitted discretion to issue summonses in lieu of arresting misdemeanor, non-violent, and low risk offenders would enable police to devote more of their efforts to felony investigations. The criminal justice system has improved its outcomes by achieving greater felony convictions, and the NOPD has the opportunity to build upon these advances through dedicating more resources to violent, felony, and repeat offenders that most directly impact community safety.

Acknowledgements

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¹ Based upon United States Census estimated population of 354,850 on July 1, 2009

² FBI Arrests, 2007; http://www.fbi.gov/ucr/cius2007/data/table_43.html

³ "Felony Sentences in State Courts 2006 – Statistical Tables", Page 3, Bureau of Justice Statistics, December 2009; <http://bjs.ojp.usdoj.gov/content/pub/pdf/fssc06st.pdf>