Analysis of the Processing of State Felony and Misdemeanor Charges in New Orleans: Arrest Through the Billing Decision

A Research Report by the Metropolitan Crime Commission

August, 2002
New Orleans, Louisiana

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A Message from the Board Chairman

This report completed by the Research Division of the Metropolitan Crime Commission provides comprehensive data on a little studied but critically important phase of the New Orleans criminal justice system: the pretrial process. The focus of the research is on the processing of arrest reports by the New Orleans Police Department and the subsequent screening of the reports by the Orleans Parish District Attorney's Office.

It is the goal of this study to promote improvements in the processing of felony and misdemeanor cases that will lead to better use of taxpayers' dollars, increased accountability, and enhanced cooperation among criminal justice agencies in New Orleans.

The MCC's staff and board members welcome any comments and observations you may have regarding the findings and recommendations presented in the report You can contact us via the Internet at www.metrocrimeno.org.

Dick H. Piner, Jr., Chairman

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Executive Summary

Analysis of the Processing of State Felony and Misdemeanor Charges in New Orleans: Arrest Through the Billing Decision

Introduction

Presented in this Metropolitan Crime Commission (MCC) research report are the results of a comprehensive study of the pretrial phase of the criminal justice process in New Orleans. The report focuses on the processing of arrest reports by the New Orleans Police Department's (NOPD) A-case officers, who are assigned the specialized task of reviewing the content and form of the reports, and the Assistant District Attorney's (ADA's) assigned to the Screening Division of the Orleans Parish District Attorney's Office (DA's Office), who decide whether or not to file a bill of information (or prosecute) on charges made by the NOPD.

This research was undertaken in order to provide public officials, criminal justice leaders, and the citizens of New Orleans with objective information about the pretrial process and how this critically important function is handled by the NOPD and the DA's Office. It is the goal of this research to promote improvements in the processing of felony and misdemeanor cases that will lead to better use of tax payers' dollars, greater efficiency and accountability through the use of modern information systems technology, and enhanced cooperation among criminal justice agencies in New Orleans.

Study findings are based on the analysis of comprehensive data collected on a random sample of 1,563 individuals who were arrested by the NOPD on state charges between June 1999 and May 2000. Data on these defendants were obtained from both manual and computer files maintained by the Orleans Criminal Sheriff's Office, the Orleans Clerk of Court's Office, and the DA's Office.

Major Findings

An average of 60 days elapsed between the date of arrest by the NOPD and the date of the DA's billing or charge decision adding over $1.5 million dollars to the city of New Orleans' expenditure for the pretrial incarceration of defendants awaiting disposition of their cases.

- On average, the NOPD required **41 days** from date of arrest to prepare arrest reports that met the DA's Office standards for formal consideration.
- The DA's Office took an additional **19 days** to make a final billing or charge decision.
- A national study of case processing in nine large jurisdictions found that arrest to billing times for the "fast" courts averaged 11 days and for the "moderate" courts 25 days.

The lengthy period from arrest to the billing decision contributed to a high charge refusal rate and a low conviction rate

- The MCC's analysis found that as the time period between arrest and the billing decision date increased, the rate of conviction decreased.
- DA's Screening Division personnel reported that a lengthy pretrial process contributes to victim/witness problems, the leading reason for the DA's Office refusal of charges.

66% of all charges made at the time of arrest by the NOPD were later refused by the District Attorney's Office

- 78% of homicide charges were refused, as were 74% of all charges for violent offenses.
- By comparison, only 53% of all drug possession charges were refused.

49% of the individuals arrested on state charges were formally charged by the DA's Office with some state offense

- Only 36% of the charges that were accepted against these individuals were for the most serious charge made at the time of arrest.

Only 38% of those arrested were later convicted of a state offense

- Ten other large jurisdictions had an average conviction rate of 62%.

45% of all felony convictions in CDC were for possession of drugs

- Only 13% of felony convictions in 3,100 other state courts were for drug possession

Only 12% of those arrested were later sentenced to jail or prison

- 38% of those arrested nationally on felony charges were later sentenced to jail or prison.

Systemic Problems

- The NOPD's arrest reports are often poorly written and incomplete.
- NOPD policy is to complete police reports within 5 days but an average of 41 days elapsed between the date of arrest and the date police reports are "receipted" by the DA's Office. "Receipting" of the case, the unofficial mid-point in the screening process, means the DA's Office deems the report to be in order and ready for formal review.
- The arrest report "receipting" process employed by the DA's Office is cumbersome, inefficient and unnecessarily lengthens the case screening process.
- The time required for the eight NOPD districts to process arrest reports from arrest date to receipt date varied widely, from a low of 20 days for the 6th district to a high of 62 days for the 2nd district.
- No formal training is provided to the police officers charged with processing arrest reports, and the report processing procedures employed in the eight police districts lack uniformity.

The policy of the DA's Office is to make screening decisions within 10 days of the receipt date, but the average time taken to complete this task was 19 days. Sixty percent of all billing decisions made during the study period fell within the 10-day period.

- The production and transfer of key pretrial processing documents is largely a manual process that is inefficient, prone to error, and lengthens the arrest to billing period.
- A lack of communication and cooperation between the NOPD and the DA's Office has retarded the development of an efficient pretrial process.

Recommendations

Collaboration

- The NOPD and the DA's Office should establish a working collaborative with the goal of streamlining the arrest to screening process. The full report documents the nature and extent of many of the issues related to pretrial processing and can serve as a framework and a source of information to guide this effort.

Technology

- Bring modern information technology to the pretrial process by enabling the computer-generation and transfer of arrest reports and other key documents.

- Network the computers used by A-case officers in each district and create a central database of standardized management information that tracks the status of arrest reports and the reasons charges are accepted or refused.

Procedural

- The NOPD should adopt standardized procedures for processing arrest reports that guide the work of arresting officers and A-case officers in each police district.
- The present process by which arrest reports are "receipted" by the DA's Office should be replaced with a more efficient system based on modern information technology. Reinventing the arrest report screening process must be given a high priority as part of any effort to increase the efficiency and effectiveness of the New Orleans criminal justice system.
- Assign ADA's to specific police districts thus providing for a single point of contact for both parties, better continuity in handling cases, and more consistent screening criteria.
- The DA's Office should increase the two-hour daily screening window to at least four hours and allow ADA's and A-case officers flexibility in determining the time and duration of the screening period.
- The DA's Office should provide NOPD District Commanders in writing and in a timely manner, with reasons for refusing charges.
- The current system for allocating the screening workload in the DA's should be re-configured as eight ADA's, or 50 percent of the ADA screening personnel, are handling 85 to 90 percent of the screening workload.

Training

- The DA's Office should reestablish and enhance its program for providing training to police officers in the writing of arrest reports to improve the charge acceptance rate.
- The NOPD should establish a formal training program for A-case officers based on standardized case processing procedures.

Performance Goals

Based on current local policies and the performance of other jurisdictions, the MCC recommends the following performance goals for the New Orleans criminal justice system.

Pretrial Case Processing Time

- By January 1, 2004 reduce the time period from date of arrest to date of billing decision to 25 days, the average processing time for the "moderately fast" courts in the NCSC/APRI study.
- By January 1, 2005 reduce the time period from date of arrest to date of billing decision to 15 days. The average processing time under current NOPD and DA policies.

Charge Acceptance and Conviction Rates

- By January 1, 2004 increase the acceptance rate for the three most serious charges made at the time of arrest from 36% to 50%.
- By January 1, 2004 increase the conviction rate from 38% of individuals arrested on state charges to 50%.
- By January 1, 2005 increase the acceptance rate for the three most serious charges made against defendants at the time of arrest to 65%.
- By January 1, 2005 increase the conviction rate for individuals arrested on state charges to 65%.

A Metropolitan Crime Commission Report

Analysis of the Processing of State Felony and Misdemeanor Charges in New Orleans: Arrest Through the Billing Decision

I. INTRODUCTION

Purpose and Scope of the Report

This report addresses the initial steps in the criminal justice process: arrest and the billing decision. The New Orleans Police Department (NOPD) makes arrests, writes reports, and submits these arrest reports to the Orleans District Attorney's Office (DA's Office) for consideration for prosecution. It is then the role of the DA's Office to screen police arrests and to decide whether to formally charge, or bill, those individuals arrested with a crime.

This process is arguably the most critical point in the criminal justice process. For if on the front-end of the system the police don't do good basic police work - make good arrests, write good reports, and complete them in a timely manner; and, if the DA's office doesn't screen these reports properly and expeditiously, the outcomes are increased governmental expenditures and greatly reduced system efficiency.

This report describes a pretrial process in New Orleans that is cumbersome, inefficient, lengthy, and is characterized by a lack of communication among major system components. The end results are substantially increased pretrial incarceration costs conservatively estimated at over $1.5 million dollars annually, and compared with other jurisdictions, a very low conviction rate of 38 percent of the individuals arrested on state charges. Over half of the convictions were for drug possession and 26 percent of all convictions were for first offense possession of marijuana.

The city of New Orleans will spend about $104 million in FY2002 on the police department, 20% of its budget, and an additional $3 million on the DA's Office. While the MCC does not contend that New Orleans has either enough police officers or assistant district attorneys, MCC research finds that New Orleans does compare favorably with other comparable jurisdictions in this regard, and that inefficiency in the arrest to billing process is not due to personnel shortages. The MCC further concludes that greatly improved performance in the pretrial process is achievable within current staffing levels.

To improve performance and get the most for this sizeable expenditure, it is imperative that the performance of the NOPD and the DA's Office be documented and that benchmarks be established by which to measure current and future performance.

It is the goal of this research to promote improvements in the processing of felony and misdemeanor cases in New Orleans by:

- Providing public officials, criminal justice leaders, and citizens with objective information about the performance of the NOPD and the DA's Office in the pretrial process.
- Promoting greater accountability in the pretrial process by documenting the performance of the NOPD and DA's Office.
- Increasing public awareness about the importance of the pretrial process

To assess the performance of the NOPD and the DA's Office in the arrest and billing decision process, Metropolitan Crime Commission (MCC) research focused on:

- Documenting the formal and informal policies and procedures adopted by the NOPD and DA's Office that are intended to guide the arrest/screening process.
- Determining time periods between critical events in the arrest to screening process
- Documenting and analyzing the outcomes of this process
- Making recommendations to improve the current process

To the extent possible, the key time frames and outcomes for the New Orleans criminal justice system are compared with those in other jurisdictions.

This study is divided into four main sections: Section 1, Introduction, Section 2, The Process, Section III, System Performance, and Section IV, Conclusions and Recommendations.

Methodology

MCC researchers took a representative sample consisting of 1,563 of the 16,770 adults arrested on state felony and misdemeanor charges during the one-year period from June 1, 1999 through May 31, 2000, and tracked the three most serious charges made against each individual from the time of arrest through the time of the billing decision by the DA's Office. The sample was drawn from the daily dockets of Magistrate Court cases, which are prepared by the Orleans Parish Criminal Sheriff's Office (OPCSO) and maintained by the Clerk of Court's Office. These cases include all individuals arrested in New Orleans on state felony and misdemeanor charges. Each case was tracked through the system using the unique six-digit magistrate number that is assigned to each magistrate case.

Extensive data, including conviction information, were collected on each defendant. These data were obtained from manual records maintained by the Clerk of Court's Office, Criminal District Court's information system maintained by the Orleans Parish Criminal Sheriff's Office (OPCSO), and the DA's management information system. The data collected were compiled in a database for analysis using SPSS software. Although the analysis presented in this report is based on a sample of the total population of defendants, the results discussed are statistically significant at the 95 percent confidence level.

Information provided in this report on NOPD and the DA's Office arrest and screening policies and procedures were obtained through interviews with personnel from these and other agencies.

Background

On average, the 1,563 individuals in the study were charged with just under two (1.7) offenses each at the time of arrest for a total of 2,657 charges. This study tracked 2,578 of these charges, which includes up to three of the most serious charges made against defendants in the study sample at the time of arrest. Extrapolating from these data, the 16,770 adults arrested over the one-year study period generated a total of 28,509 state felony and misdemeanor charges. Preparing these 16,770 reports and the associated charges for presentation to the DA's Screening Division constituted the specialized work of the NOPD's A-case officers during the one-year study period.

Screening the 16,770 police arrests and the 28,000 charges stemming from these arrests became the workload of the DA's Office Screening Division personnel over the study period. "Screening" involves meeting not only with A-case officers but also with the perhaps thousands of victims and witnesses associated with these cases. These figures do not include juvenile cases.

Exhibit 1 below provides information comparing the population, number of police officers, prosecutors, and Crime Index totals in New Orleans with other selected jurisdictions. Information on these cities was chosen for comparison purposes based on the size of the other jurisdictions and the availability of data, and is provided to the reader in order to place the data presented throughout this report in perspective. While this is not assumed to be a definitive comparison, this information does suggest that the NOPD and the DA's Office are "in the ballpark" with other jurisdictions with regard to manpower and workload.

Exhibit 1:
A Comparison of Population, Police, Prosecutors and Crime:
New Orleans and Selected Cities (1998)

City/County	Population	Police Officers	Full Time Prosecutors	Crime Index
Austin	545,000	968	54	39,193
Boston	555,000	2,244	130	34,981
Charlotte	562,000	1,220	43	52,502
Indianapolis	781,000	998	103	47,533
Memphis	637,000	1,554	80	53,215
Nashville	532,000	1,191	49	53,249
San Francisco	754,000	1,998	108	46,139
New Orleans	*471,000*	*1,635*	*91*	*34,208*

Sources: A Comparison of Staffing in District Attorneys' Offices (Memphis Shelby Crime Commission, June 1999) and MCC research

II. THE PROCESS: ARREST AND CASE SCREENING OF ADULT DEFENDANTS

The focus of this report is on the roles of the NOPD's sixteen A-case officers who review the content and form of arrest reports prior to presenting them to the DA's Office for consideration, and the staff of the DA's Screening Division who decide to accept or reject the charges made at the time of arrest. An important difference exists between the level of evidence required for arrest and officially charging an individual with a crime. Arrest requires only "probable cause", a lower level of proof than "proof beyond a reasonable doubt", the legal standard for charging and prosecuting a defendant for a criminal offense.

The unofficial midpoint in the arrest to billing process is the ADA screeners' "receipting" of the cases presented by the A-case officers. Issuing a "receipt" for a case means the ADA deems the police report to be in order and is acceptable for formal review to determine if sufficient proof exists for prosecution. A-case officers describe receiving a receipt as an important event because at that point the responsibility for the case transfers to the DA's Office.

Arrest to Receipting: Preparing Cases for DA's Office Review

New Orleans is divided into eight police districts as shown on the map included as **Appendix 1**. Each of the eight police districts has two A-case officers who are assigned the specialized task of reviewing and presenting arrest reports for presentation to the DA's Screening Division staff for a billing decision. Drug and homicide cases, which are handled directly by the Narcotics and Homicide Divisions, are exceptions to this process. **Exhibit 2** shows the types of charges made against the individuals in the study sample at the time of arrest.

Exhibit 2:
Charges at Time of Arrest

Charges	At Arrest	
	Frequency	% Total
Homicide	32	1%
Rape/Sex Offence	45	2%
Robbery	92	4%
Battery/Assault	228	9%
Burglary	98	4%
Drug Possession	966	37%
Drug Distribution	244	9%
Theft	472	18%
Other	401	16%
Total	**2,578***	**100%**

Source: MCC research
*Includes the three most serious charges at arrest

All but one of the A-case officers interviewed by MCC researchers were commissioned police officers. About one third of the officers had been functioning in these roles for less than a year at the time of the interviews. Although the A-case officer system has been in place for approximately twenty years, the manner in which these officers resolve problems and manage information shows little uniformity.

Following arrest by the NOPD (or other law enforcement agencies), defendants are brought to Central Lock-Up (CLU), operated by the OPCSO, for booking. At the time of booking, the defendant's identifying information and the arrest charge(s) are entered into the on-line booking system.

The booking process generates an "arrest register" containing the arrest information. Personnel from the DA's Office pick up copies of the arrest registers each day and use the information provided in the arrest register to manually generate a "Screening Action Form" (SAF) for each charge related to the arrest. The SAF, which will be discussed in more detail later in this report, must be completed and on file before arrest reports will be considered by the DA's Office.

NOPD policy allows five days from the date of arrest for the completion of arrest reports. However, the time standard most often referenced by police, and the one that apparently serves as the real benchmark for the screening process, is the much longer time period allowed for the filing of charges under Article 701 of the Code of Criminal Procedure. **Article 701 states that charges in felony cases must be filed within 60 days of arrest if the defendant is held in custody, and within 45 days in misdemeanor cases if continued in custody, or the defendant shall be released from custody.**

Each morning, the A-case officers receive from the arresting officers in their districts copies of adult arrest reports involving state charges. It is the job of the A-case officer to then read the reports and, with the assistance of the arresting officer, to identify and address any deficiencies prior to bringing the reports to the DA's Office for consideration by the Screening Division. The types of deficiencies in arrest reports most often noted by A-case officers are:

- Poorly written reports that lack important descriptive details of the case.
- Lack of clear probable cause for making the arrest.
- Incomplete information on victims and witnesses.
- Missing supporting documentation required for consideration by the DA's Office.

A very important distinction in the approach of A-case officers became apparent during the course of interviews. Some A-case officers have adopted a much more proactive approach to rectifying problems identified in the reports, while others rely more heavily on the arresting officers to remedy report shortcomings. This distinct difference in approach typifies a general lack of standardization among the A-case officers in how they handle their jobs.

Charge-related factors that A-case officers can anticipate will lengthen the time period required to complete arrest reports include the need for 911 audio tapes in domestic violence cases, latent finger prints in burglary and auto theft cases, hand-writing exemplars in forgery cases, and crime lab reports. The DA's Office will not screen these types of cases without this supporting information.

- A-case officers reported that cases requiring latent print comparisons will take longer than most other cases because of a backlog at the Fingerprint Division. Backlogs occur because there are only three individuals in the Fingerprint Division to serve all eight police districts. In fact, burglary cases took an average of 48 days to move from arrest date to receipt date while all cases averaged 41 days.
- Obtaining audio tapes of 911 domestic violence calls is very time consuming, a process that can take a week or more.
- Handwriting exemplars must be obtained prior to booking because if the individual is released on bond, which is likely, then the officer must wait until the defendant is picked up on another charge in order to obtain the exemplar. For this reason, according to the A-case officers, these cases often end up being refused.
- Additionally, DA's Office policy prohibits the receipting of an arrest report from one police district involving a defendant with an open charge in another district. District

personnel must coordinate and combine these cases before presenting them to the DA's Office.

It is the actions of A-case officers in meeting these types of requirements – whether they complete these tasks themselves or wait for the arresting officers to do so – that is a distinguishing characteristic of the most efficient police districts.

When the A-case officers consider the reports completed, a "buck slip" is attached indicating the cases are ready for presentation to the DA's Screening Division. It should be noted that the presentation of arrest reports by the A-case officers for receipting, which may occur from five days to several weeks after the arrest, marks the first contact between NOPD and DA personnel regarding these cases. In a past attempt to foster earlier involvement of DA's Office personnel through improved coordination, the NOPD and the DA's Office implemented an expedited drug case screening program in which arresting officers and ADA's would confer on cases early in the process at Central Lockup immediately following booking. After a few months, however, this effort was abandoned amid allegations from both parties that the other party was unwilling to cooperate, and except for improvements in the crime lab, the system returned to the status quo.

The A-case officers in each police district collect a considerable amount of information regarding the arrest reports they process, but there is no single automated database of information on NOPD A-case officer activity and the processing of arrest reports. Although all districts use computers to store information, the type of information collected and the software used are not uniform, nor are the computers linked to each other or to a central database. As a result, no comprehensive case processing data are available to District Commanders that could be used to identify and remedy specific problem areas. A-case officers do, however, send standardized weekly reports to the New Orleans Police Foundation summarizing the status of their cases. Data to determine time-lapse intervals in the process are not included in these status reports.

Receipting of Arrest Reports by the DA's Screening Division

The DA's Screening Division is staffed with sixteen screening attorneys, four civilian investigators, and ten support staff. The Screening Division, headed by the Chief of Screening and the Chief Assistant Screener, is divided into specialized screening units:

- homicides – 2 screeners
- sex offenses – 1 screener
- robbery/arson – 1screener
- domestic violence – 1 screener
- economic crimes – 2 screeners
- fugitive/vice – 1 screener
- narcotics cases – 4 screeners
- general screening – 4 screeners (handles all other offenses including theft, burglary, weapons, and other cases)

The ADA's assigned to the Screening Division are available to consider arrest reports presented by A-case officers between the hours of 8:30 AM to 10:30 AM, Monday through Friday.

The first order of daily business for the A-case officers upon arrival at the DA's Office is to obtain a copy of the SAF, a key document in the screening process produced by the DA's Office. It contains the charge(s) made by the NOPD at the time of arrest and is the form used by the

ADA's to document whether or not the charge(s) are refused or accepted for prosecution. No charges are considered for prosecution without this form.

Usually, A-case officers simply line up at a counter and are provided hard copies of the SAF's on a first come first served basis. On other occasions, usually when the line is long, they are permitted by staff to retrieve the SAF's from the files themselves. Problems routinely faced by A-case officers when requesting these forms are:

- SAFs, which are required before a report will be screened, are generally not ready for three to five days from the date of arrest. If the form is not ready when a case is presented, the A-case officer must make a return trip.
- No system is in place for informing A-case officers in advance if SAF's are ready or not, and in response most wait the full five days before presenting arrest reports for review.
- SAF's are commonly misfiled or misplaced and the officers must wait until the form is found. If it cannot be found, the officer must return at a later date and repeat the process.
- Obtaining a copy of the SAF, even if it is on file, can take an inordinate amount of time if several people are waiting in line while a single DA support staff searches the files for the SAFs.

Other significant obstacles encountered by A-case officers when requesting SAF's are:

- All A-case officers interviewed noted that OPCSO booking personnel frequently fail to book defendants on all state charges. It is the policy of the DA's Office that all charges noted in a police report must have a corresponding SAF or none of the charges associated with that arrest will be considered. Because most defendants are soon released on bond, they must first be re-arrested in order to be re-booked on the "missing" charge.
- The DA's Office will not receipt an arrest report from one district (for example the first district) if another district (say the second district) has an open, un-receipted case on the same arrestee. In order for the first district to submit its case to the DA's Office, it must either obtain the relevant information from the second district, or send its report to the second district and rely on that district to submit the cases. This policy is necessary, according to DA's screening personnel, both to improve efficiency and to check for evidence and defendants' statements in one case that may hold significance for the other case.

These are not infrequent occurrences, according to A-case officers, and when they do occur, can take several days and in some instances several weeks or more to correct. That these types of problems involving Screening Action Forms continue to exist typifies the relatively low level of coordination and cooperation that has long characterized the criminal justice system in New Orleans.

After obtaining copies of the SAF(s), the A-case officers wait their turn to meet with an ADA to review the arrest reports. Screening process problems frequently noted by A-case officers at this stage include:

- Police districts are not assigned specific ADA's and therefore A-case offices will likely work with a different screener(s) each visit. Most A-case officers believe that having an assigned ADA would improve efficiency by ensuring the availability of an ADA and providing consistency in the criteria used in the review of arrest reports.

- Most A-case officers will attempt to present four to six cases, and on occasion as many as ten, to the ADA's on duty. Several A-case officers commented that waiting in line behind another officer who may have brought a large number of cases to be screened means they probably will not get their own cases screened that day.
- At least one screener requires that the A-case officer remain present while the cases are reviewed. According to the officers, this takes a great deal of time and generally means that none of the other cases they brought that day will be considered.
- Although it is against DA's Office policy for A-case officers to leave un-screened reports with ADA's for consideration outside the two-hour screening period, it is not an infrequent occurrence. Some officers observed that this was a risky practice, however, because depending on the particular screener, cases were often lost resulting in a greatly lengthened screening process.
- Some A-case officers report that screening staff are often not available before 9:00 AM. DA's screening staff report that some A-case officers do not come on a daily basis and others do not show up until after screening hours. Screeners and A-case officers both agree, however, that if all A-case officers appeared at 8:30 AM daily the system would be quickly overloaded.
- A-case officers interviewed for this report commented that a high turnover rate among the ADA's assigned to the Screening Division resulted in frequent changes in screening criteria.

"Kickbacks"

"Kickbacks", as cases that are not receipted are termed, are dreaded events for A-case officers because cases become much more difficult to resolve and take significantly longer to get receipted. It is the goal of all A-case officers to receive a receipt from the Screening Division on the first attempt for each case they present for consideration. Neither the NOPD nor the DA's Office maintains information on the frequency of kickbacks, but one district estimated 35 percent of its cases were kicked back.

Deficiencies in reports that lead to "kick backs" often include poorly written reports and missing supporting documentation.

- Screeners frequently cite incomplete and poorly written reports as the reasons for not receipting a case. In particular, this may include incomplete identifying information regarding victims and witnesses, and a lack of clearly stated probable cause for the arrest.

- If a case submitted for review does not contain required supporting documents, for example the copy of a traffic citation if a traffic stop initiated the arrest, the case will not be considered for review by the DA's Office at that time. Hand writing exemplars and latent fingerprints tests are other examples of required documentation.

There is no formal, NOPD department-wide procedure or time standard for correction of cases that are "kicked back", and predictably, the A-case officers' responses are varied. The A-case officer will typically contact the arresting officer to assist in correcting identified problems, but arresting officers are often slow to respond to the calls for assistance. Field officers are now involved in other cases and old cases becomes lower priorities. Some officers allow the arresting officer seven days to correct and return the reports, but based on interviews, this policy is not aggressively enforced. According to some A-case officer, newer A-case officers may feel uncomfortable pushing a 15-year veteran to correct a deficient report.

Based on interviews, the districts (e.g., the 6th district) in which the A-case officers take a more proactive approach to resolving problems – that is, when possible solve the problems themselves rather than depend on the arresting officer - have significantly fewer days between arrest and receipting of the case.

At some point, A-case officers may request assistance from the District Commander. At least one district routinely gives the District Commander and the arresting officer's supervisor copies of arrest reports that have been kicked back. The general sentiment seems to be, however, to take this type of action only as a last resort.

DA's Office Screening Division: Making the Billing Decision

Once receipted, cases are given to the appropriate ADA's within the Screening Division for processing. **The policy of the DA's Office is that billing decisions are to be made within ten days from the date arrest reports are receipted by the Screening Division.** When charges against defendants are refused, those cases are closed, and if the defendants are in custody, they are released. As data presented in this report will show, the average time from the date of receipt of an arrest report to the final screening decision was 19 days. However, 60 percent of all billing decisions were made within a ten-day period, and 25 percent took 20 days or more. DA's Office personnel contend that they expend considerable time and resources doing investigative work subsequent to the receipting of cases that should have been completed by the NOPD early in the process.

Exhibit 3 shows the frequency and percentage of each type of charge made at the time of arrest that were later accepted for prosecution by the DA's Office. Of note is the high acceptance rate for drug offenses compared with that of other offenses, particularly homicide, rape/sex offenses and battery/assault. Drug cases usually do not involve witnesses and are also "victimless" making their prosecution much less problematic. On the other hand, crimes of violence and property crime always involve victims and often involve witnesses as well making these offenses more difficult to prosecute.

Exhibit 3:
Charges at Time of Arrest
Vs.
Charges Accepted for Prosecution

Charges	At Arrest		Accepted		%
	Freq.	% Total	Freq.	% Total	Accepted
Homicide	32	1%	7	1%	22%
Rape/Sex Offence	45	2%	11	1%	24%
Robbery	92	4%	37	4%	40%
Battery/Assault	228	9%	48	5%	21%
Burglary	98	4%	26	3%	27%
Drug Possession	966	37%	456	52%	47%
Drug Distribution	244	9%	76	9%	31%
Theft	472	18%	108	12%	23%
Other	401	16%	115	13%	29%
Total	**2,578**	**100%**	**884**	**100%**	**34%****

Source: MCC research
**Weighted average

The most time consuming work for the Screening Division following receipting of a case is working with victims and witnesses. Those victims and witnesses that are cooperative and easily

contacted are usually interviewed regarding their knowledge of a case in the DA's Office. According to screening personnel, however, many victims and witness are neither easily located nor cooperative. In fact, according to Screening Division personnel, "victim and witness problems" are the primary reasons that cases are refused.

During the often lengthy period between the time of the offense and the initial attempts by screening personnel to interview them following receipting of the case, victims and witnesses change addresses, lose telephone service or change numbers, lose interest in the case, or simply become unwilling to cooperate. The ADA's and the four investigators assigned to the Screening Division use various investigative means to locate victims and witnesses including the time consuming process of going out into the field and knocking on doors. If after ten days they have no success locating victims or key witnesses, or if they are unwilling to cooperate, the DA's Office policy is that these cases are refused.

Other factors that lengthen the screening period are the need for medical records and court records from other jurisdictions. Medical records may be needed as evidence in cases involving bodily injury, and court records may be required to support "enhanced sentencing" of offenders with prior convictions in other jurisdictions. It is the job of Screening Division personnel to obtain these types of supporting documents.

III. SYSTEM PERFORMANCE

As the foregoing description depicts, the arrest of adults in New Orleans for the violation of state criminal statutes initiates a complicated, cumbersome, and often inefficient response from the component agencies of the criminal justice system in Orleans Parish.

Data are presented below that describe the timeliness of the process, and the impact of the arrest/screening process on city of New Orleans expenditures for pretrial incarceration, the numbers and types of arrest charges that are actually prosecuted, and the types of charges for which individuals are convicted. Because there are no established national standards by which to gauge performance, when available, the performance of other jurisdictions serve as benchmarks to judge the relative efficiency of the pretrial process in New Orleans.

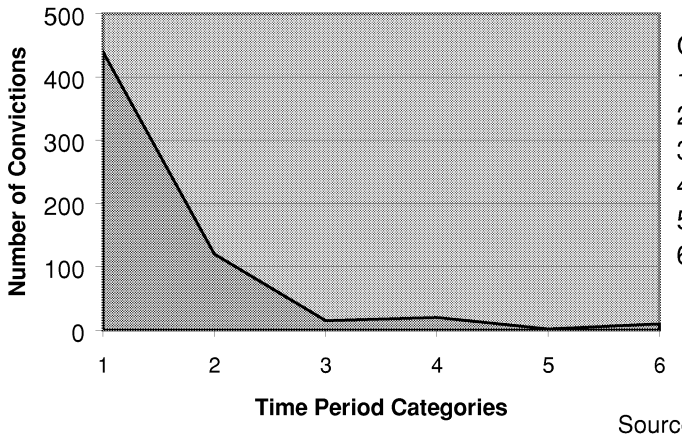
Processing Time

The overall average elapsed time from the date of arrest to the billing decision date for state charges in New Orleans during the one-year study period was 60 days. Broken down, the average period from arrest to receipt was 41 days, and from receipt date to bill date took 19 days.

Although the data presented below are based on police districts, the overall case processing times and the conviction rates result from the work of both the NOPD and the DA's Office.

Analysis of the case processing data, as shown in **Exhibit 4** below, reveals a strong inverse statistical relationship between the number of days from arrest date to bill date and the number of arrests that resulted in a conviction: the longer the time period, the fewer the convictions.

Exhibit 4:
Arrest To Billing Time and Conviction Rate



Category	Days
1	0-100
2	101-200
3	201-300
4	301-400
5	401-500
6	501-600

Source: MCC research

And, as is clearly evident in **Exhibit 5** below, those districts with the longest overall case processing times have lower conviction rates.

Exhibit 5:
Case Processing Time, "701" Cases, and Conviction Rate
By NOPD District

NOPD District	Days From Arrest to Receipt	Days From Receipt to Bill	Total Time	% "701" Cases	Conviction Rate
1st	38	14	52	8%	35%
2nd	62	19	81	11%	37%
3rd	25	20	45	2%	41%
4th	32	15	47	3%	42%
5th	38	20	58	9%	39%
6th	20	14	34	0%	44%
7th	58	24	82	11%	33%
8th	28	17	45	6%	44%
Weighted Average	**41**	**19**	**60**	**8%**	**38%**

Source: MCC research

A factor that contributes to lower conviction rates is the increased number of Article 701 cases in those districts with longer case processing times. As noted, Article 701 cases are by definition directly related to processing time, and although the DA's Office has the option to prosecute these cases at a later date, this option is rarely exercised. **In addition, according to DA's Office Screening Division personnel, victim/witness problems, the leading cause of charge refusal by screening personnel, increase over time as victims and witnesses become more difficult to locate, become unwilling to testify, and their memories of case-related events fade.**

Is the overall case processing time of 60 days in New Orleans a lengthy one in comparison with other jurisdictions? The information provided in **Exhibit 6,** which was taken from a national study on case processing time**,** strongly suggests that it is.

Exhibit 6:
Time From Arrest to Billing in Selected Jurisdictions

Jurisdiction	Avg. # of Days Arrest to Billing
Seattle	5
Grand Rapids	13
Tucson	15
Cincinnati	17
Omaha	18
Oakland	52
New Orleans	***60***
Austin	90
Hackensack	159
Birmingham	164

Source: *Examining the Work of State Courts* (NCSC/APRI)

The study, *Examining the Work of State Courts,* completed by the National Center for State Courts and the American Prosecutors Research Institute (1998), examined nine state court systems and divided case processing time into three distinct periods – arrest to indictment,

indictment to disposition, and disposition to sentencing. **The average time from arrest to bill date for the faster courts was 11 days and for the moderate courts 25 days. These substantially faster processing times in other jurisdictions, and the great disparity in processing times among the eight police districts, strongly suggest that substantially improved efficiency in the movement of cases from arrest to billing is achievable in New Orleans.**

A closer examination of the two component time periods – arrest to receipt and receipt to billing date – provides insight into which factors most influence case processing time.

Arrest to Receipt

The time differential among the eight police districts to complete essentially the same task is striking, with the two slowest districts, the 2nd (62 days) and 7th (58 days) districts taking almost three times as long as the fastest, the 6th (20 days), 3rd (25 days), and 8th (28 days) districts. The 1st (38 days) and 5th (38 days) districts also have arrest to receipt times that are substantially slower than the three fastest districts.

As the description of the process in the forgoing section suggests, the actions of both the DA's Office as well as those of the NOPD, contribute to the overall 41-day time period between the date of arrest and date of receipt. However, all police districts must overcome the same sets of obstacles presented to them in order to be receipted by the DA's Office.

So a critical question then becomes, why are some police districts able to move cases through the system so much faster than other districts? The number of arrests or workload, variation in the types of offenses in each district, the policies and procedures followed, and the training and experience of the A-case officers could all be important factors in determining a district's performance level.

Statistical analysis identified several factors that contribute significantly to case processing speed, including the volume of cases handled in the district, the types of charges, and whether or not the individual was arrested on multiple charges. These factors are discussed in more detail below.

As shown in **Exhibit 7,** two of the districts (the 3rd and 4th) with among the fastest arrest to receipt times also process considerably fewer arrests relative to the other districts.

Exhibit 7:
Number of State Arrests By NOPD District
In 2000

District	Frequency	% Total
1st	2,660	17%
2nd	2,082	14%
3rd	1,033	7%
4th	1,130	7%
5th	1,759	12%
6th	2,284	15%
7th	1,913	13%
8th	2,352	15%
Total	**15,213**	**100%**

Source: NOPD Data Systems

Because all districts have two A-case officers to handle the workload, it is to be expected that those districts with fewer arrests to process would also have faster processing times. While the

volume of cases is clearly a factor in district case processing speed, it is not the determining one, as the 6th and 8tht districts are among the largest but also have among the fastest arrest to receipt times. The volume of cases or workload is not the controlling factor affecting the districts' performance.

Analysis of the data determined that there is a significant relationship between the presence of theft charges and slower case processing time between arrest and receipt date, and that drug cases and "other" charges contribute significantly to faster case processing time. The remaining charges show no significant relationship to case processing time.

Exhibit 8 shows the average number of days from date of arrest to receipt date for each offense. Although some charges take more or less time to process than theft, drug, and "other" charges, as was shown earlier in the report in **Exhibit 2**, these charges are fewer in number and consequently do not have the same level of impact.

Exhibit 8:
Average Number of Days
From Arrest to Receipt By Charge

Charge	Arrest to Receipt
Homicide	46
Rape/Sex	52
Robbery	45
Assault	37
Drugs	28
Burglary	48
Theft	49
Other	29

Source: MCC research

Unless a district handles a disproportionately large percentage of theft and drug offenses, then it can be reasonably concluded that offense type was not a significant factor in determining that district's processing time.

As is shown in **Exhibit 9,** the 2nd, 3rd and 7th districts show significant variation from the other districts in the distribution of charges that have a significant affect on case processing time. The variation in these types of charges in the other districts was small and does not account for the wide disparity in performance.

Exhibit 9:
Offense at Time of Arrest By Police District

District / Offense	1st	2nd	3rd	4th	5th	6th	7th	8th
Homicide	1%	2%	1%		2%	1%	2%	
Sex Rape	1%	1%		1%	1%		2%	1%
Robbery	6%	5%	9%	5%	3%	6%	4%	5%
Assault	10%	6%	12%	10%	14%	12%	17%	10%
Drugs	53%	64%	40%	59%	56%	54%	40%	54%
Burglary	5%	1%	1%	4%	7%	9%	5%	3%
Theft	15%	18%	35%	12%	12%	13%	22%	15%
Other	10%	5%	1%	8%	6%	6%	9%	11%
Total*	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Source: MCC research
*Does not total 100% due to rounding

The 3rd and 7th districts both have a high percentage of theft charges and a low percentage of drug charges relative to the other districts, factors that should slow case processing time. The 3rd

district, however, has the second fastest case processing time among all the districts. While the smaller workload is clearly a compensating factor, efficiency of operation is also a factor. The 4th district, although it had roughly the same workload as the 3rd and a mix of charges that should shorten case processing time, had a slower case processing time than the 3rd district.

The above average percentage of theft cases in the 7th district and the relatively low percentage of drug cases contributed significantly to the lengthy arrest to receipt case processing time of 58 days. The high representation of these charges, however, is not the determining factor in the 7th district's case processing time, as *all* charges including theft and drug charges are processed relatively slowly in the 7th. For example, the average time to move drug cases from arrest to receipt in the 7th district was 58 days as compared with 26 days in the 6th district. Theft cases took an average of 70 days to process in the 7th and 48 days in the 6th.

The 2nd district had the highest percentage of drug cases among all the districts, a factor that should speed processing time, yet it also had the slowest arrest to receipt time of all police districts.

Finally, though analysis shows that the presence of multiple charges against defendants increased case processing time significantly in those cases, the eight police districts showed very little variation in the percentage of cases that included multiple charges. Therefore, the impact of multiple charges affects each district to the same extent.

In summary, although the relatively fast processing time in the smaller police districts is in part a function of size, and the types of offenses handled have a significant effect on processing time, these factors alone do not explain the wide variation in performance among the districts. Having excluded these variables as determining factors, it can be reasonably concluded that the variations in time required to process arrest reports from arrest date to receipt date was largely attributable to differences in personnel and management practices.

The following is a summary of the key management concerns:

- **Other than the NOPD's self-imposed policy that allows for a 5-day period for completing arrest reports, there are no uniform, department-wide policies and procedures that control the key elements of preparing reports for screening by the DA's Office.**
- **A lot of valuable information is captured at the district level, but due to a lack of uniformity in the collection and storing of this information, it has little utility as an overall management tool. As a result, the NOPD leadership lacks comprehensive information regarding the nature and extent of this problem. Absent meaningful information, the NOPD's leadership can neither understand nor monitor the problem, making remedying the problem even more difficult.**
- **There is no organized training for A-case officers. About a third of the A-case officers at the time of our interviews had been on the job a year or less and they reported that training was limited to "on the job" training. Only two officers reported any sort of formal training.**

Receipt to Billing Date

Although the policy of the DA's Office is to screen cases within 10 days of receipt, the average number of days between receipting of a case and the date of the billing decision for charges in the study sample was 19 days. Sixty percent of all billing decisions made during the study period fell within that 10-day period. Comparative data for the receipt to bill date period was not available for other jurisdictions.

Exhibit 10 below breaks down the number of days from date of receipt to the date of the billing decision by charge.

Exhibit 10:
Average Number of Days From Receipt to Bill Date by Charge

Charge	*Average # Days*
Homicide	13
Rape/Sex	20
Robbery	16
Assault	30
Drugs	17
Burglary	22
Theft	20
Other	15

Source: MCC research

A number of factors can affect the amount of time that is required to screen different types of charges. Victim crimes, crimes involving witnesses, and crimes that require complex forensic analysis typically take longer to screen than those cases that do not. Based on the data in **Exhibit 10**, however, these factors are not consistent in their impact on case processing time – for example, the fast case processing time for homicide cases – suggesting that other factors including staff workloads and efficiency of operation are also likely factors.

Though homicide cases typically take longer to process than other cases, homicide cases were moved from receipt to a billing decision by the DA's Office in an average of 13 days, faster than any other charge. Factors contributing to this fast processing time are that two screeners handled less than two percent of the total number of charges screened, and 78 percent of the charges were refused, most within two days following receipting of the case.

By comparison, drug charges took an average of 17 days to move from date of receipt to a billing decision. Because drug possession cases in most instances do not involve victims or witnesses other than the police, they should move through the system relatively fast. Although drug cases do involve lab tests, these tests are conducted by the NOPD crime lab prior to their presentation to the DA's Office. The relatively slow movement of drug cases might be attributable in part to the large size of the screening workload. Four screeners, or 25 percent of the ADA screening staff, are handling roughly 50 percent of the cases screened by the DA's Office.

General Screening, which handles assaults (with the exception of domestic violence cases), theft, burglary and "other" crimes, and which made up about 40 percent of the total workload, is also staffed with four screeners. The overall time from receipt to billing for General Screening cases was 22 days. Assault charges, which made up about a third of the General Screening workload, had the longest average receipt to bill time of all charge types.

Six ADA's screened the remaining 10 to 15 percent of the cases. Two screeners were assigned to economic crimes and one screener each was assigned to robbery, sex offenses, domestic violence, and fugitive/vice. Obviously, each of these screeners handled only a small percentage of the total DA's workload.

Robbery made up about four percent of all charges screened by the DA's Office. The average receipt to billing date time was 16 days, which is among the fastest processing times measured.

Sex offense cases, which constituted approximately one to two percent of the cases screened by the DA's Office, took an average of 20 days to move from receipt date to the billing decision date. These types of cases generally require more time to process than other cases because they involve victims who are sometimes reluctant to prosecute and the analysis of more complex forensic evidence.

Data on auto theft, domestic violence, vice cases were not analyzed separately and are included in the theft category, assault cases, and "other" categories respectively.

In the final analysis, eight ADA's or 50 percent of the ADA screening personnel are handling 85 to 90 percent of the workload, leaving only10 to 15 percent of the screening workload for the other eight ADA's assigned to the Screening Division. This workload imbalance and the significant differences in screening times for different charges suggest the need for a careful review of the workload allocation in the DA's Office.

Following the billing decision, neither the A-case officers nor the arresting officers are informed in a timely manner as to the results of these decisions. Provided in a timely manner, this sort of information could prove very helpful in improving overall system efficiency.

The Filtering Effect of the Pretrial Process

As can be seen in **Exhibits 11**, the filtering effect of the screening process sharply reduces the number of individuals in the system and the charges made against them at the time of arrest. The DA's Office accepted 34 percent of the three most serious charges made at the time of arrest. However, because about half of those arrested were charged with two or more offenses, at least one state charge "stuck" against 49 percent of those arrested, and 38 percent of the individuals in the sample were eventually convicted for some offense. Only twenty-five percent of the three most serious charges made at arrest resulted in a conviction.

Exhibit 11:
The Sieve Effect of the Screening Process:
Reduction in Defendants and Related Charges from Arrest to Conviction

	Arrested	Billed	Convicted
Individuals	1,563	766	599
	(100%)	**(49%)**	**(38%)**
Charges	2,578	884	652
	(100%)	**(34%)**	**(25%)**

Source: MCC research

As shown in **Exhibit 12** below, the screening process also alters the *types* of charges for which individuals are eventually prosecuted and convicted. The charge data presented represent the three most serious charges made against the individuals in the sample at the time of arrest, and demonstrates the survival rate of the different types of charges at the billing stage and at conviction. It is important to remember that these are "charges" and not "individuals". The conviction rate for each charge, that is the percentage of charges made at arrest that resulted in a conviction, is shown in the last column of **Exhibit 12**.

Notably, the percentage of drug charges (possession and distribution) increases from 46 percent of all charges at time of arrest, to 60 percent of all charges accepted, and then to 61 percent of all

convictions. In fact, 53 percent of all convictions in CDC are for drugs possession, and although not shown, 26 percent of all convictions are for first offense possession of marijuana. Of great importance is the substantial reduction in the percentage of violent offenses, which drops from 16 percent of all charges at the time of arrest to 11 percent as a result of the billing decision, and then to 10 percent at the time of conviction. About 36 percent of the first most serious charges made at arrest were accepted for prosecution.

Exhibit 12:
Charges at Arrest, Billing, Conviction
And Final Conviction Rate

Charge	At Arrest		At Billing		At Conviction		Conviction
	Charge	% Total	Charge	% Total	Charge	% Total	Rate
Homicide	32	1%	7	1%	4	<1%	13%
Rape/Sex	45	2%	11	1%	6	1%	13%
Robbery	92	4%	37	4%	28	4%	30%
Battery/Assault	228	9%	48	5%	30	5%	13%
Burglary	98	4%	26	3%	26	4%	27%
Theft	472	18%	108	12%	87	13%	18%
Drug Poss.	966	37%	456	52%	343	53%	40%
Drug Dist.	244	9%	76	9%	53	8%	21%
Other	401	16%	115	13%	75	12%	19%
Total	**2,578**	**100%**	**884**	**100%**	**652**	**100%***	**25%****
	100%		***34%***		***25%***		

Source: MCC Research
*Does not total 100% due to rounding
**Weighted average

Although only 25 percent of all *charges* resulted in a conviction, some charges involved multiple defendants and as noted, 38 percent of the *individuals* arrested were convicted of some offense. **Exhibit 13** below shows the rate of conviction for individuals arrested on state charges in New Orleans as compared with ten other jurisdictions. These jurisdictions were chosen for comparison purposes because, as is the case with New Orleans figures, the conviction rates shown are based on all cases received by prosecutors from law enforcement agencies and thus represent the percentage of all arrests that resulted in a conviction.

Exhibit 13:
Comparative Conviction Rates

Jurisdiction	*Conviction Rate*
Pittsburgh, PA (Allegheny County)	83%
Memphis, TN (Shelby County)	75%
Tampa, FL (Hillsborough)	73%
Cincinnati, OH (Hamilton County)	68%
Rochester, NY (Monroe County)	65%
Louisville, KY (Jefferson County)	63%
Birmingham, AL (Jefferson County)	62%
Phoenix, AZ (Maricopa County)	56%
*New Orleans, LA	38%
Baltimore, MD	37%
Atlanta, GA (Fulton County)	37%

Source: *Felony Defendants in Large Urban Counties, 1996 (BJS)*

Only two jurisdictions for which MCC researchers could obtain comparable conviction data had a lower conviction rate than that of New Orleans. The average conviction rate for all jurisdictions shown (excluding New Orleans) was 62 percent.

Exhibit 14 below provides conviction data by offense category that contrasts the types of offenses for which individuals are convicted in New Orleans with the aggregate conviction profile of 3,100 jurisdictions across the country. New Orleans shows a substantially lower percentage of charges for violent and property offenses and a substantially higher percentage of drug offenses. In order to make valid comparisons with these national data, which include only felony convictions, it is important to note that misdemeanor convictions were excluded from the New Orleans data when computing offense category percentages. Most misdemeanor charges were for drug possession.

Exhibit 14:
Offense Type at Conviction

Offense Type	New Orleans	% Convictions Other Jurisdictions
Violent	10%	18%
Property	21%	31%
Drugs	56%	34%
Possession	*45%*	*13%*
Distribution	*11%*	*21%*
Other	12%	18%
Total	**100%***	**100%***

Source: *Felony Sentences in State Courts, 1998 (Bureau of Justice Statistics)*
*Does not total 100% due to rounding

The relatively low percentage of felony convictions for violent offenses and property offenses, and the high percentage of convictions for drug offenses in New Orleans provide a striking comparison with national conviction data. In New Orleans, 56 percent of all felony convictions were for drug offenses, 45 percent were for drug possession. Drug possession charges, as a percentage of total convictions in New Orleans were over three times the average of other state courts.

Determining the possible reasons (for example, NOPD strategy, high level of drug use in the community, or a high priority for prosecution in the DA's Office), for the very high representation of drug charges among accepted charges and convictions and the examination of sentencing outcomes are beyond the scope of this study. However, these are issues that may warrant further scrutiny. **MCC's researchers found during the course of the study that a combined effect of the low overall conviction rate and the very high representation of drug possession charges was that only *12 percent of all individuals arrested* during the one-year study period were sentenced to jail or prison. In the final analysis, therefore, for 88 percent of all individuals tracked in the study, the criminal justice system was little more than a revolving door back to the street.**

The Cost of Pretrial Incarceration

The lengthy time period between arrest and the billing decision significantly increases the city's annual expenditure for the pretrial incarceration of pretrial defendants. The city of New Orleans must pay the OPCSO $19.65/day for each inmate held on state charges prior to disposition of their case. When these inmates are convicted and sentenced, the cost of incarceration becomes the responsibility of the State Department of Corrections. **Exhibit 15** below presents the estimated annual pretrial incarceration costs for three populations of state-charged inmates during the study period:

- "DOC's" - The incarceration cost associated with housing offenders eventually sentenced to the Department of Corrections (DOC) who were not released prior to sentencing. The average time from arrest to bill date for this population, which was nine percent of the study sample, was 37 days.
- "701 releases" - The costs associated with the pretrial detention of defendants held in jail until released pursuant to Article 701 of the CCP, "701 releases". Three percent of the study sample remained in jail an average of 64 days prior to their release under Article 701.
- "Refusals" - The cost of detaining defendants who did not make any type of bond and are held until charges against them were eventually refused by the DA's Office, "refusals". Six percent of the study sample remained in jail an average of 34 days prior to refusal of their charge.

The city's projected annual incarceration costs for these three populations is calculated based on the study sample as follows:

1. The estimated annual population size of each of the above groups is extrapolated from the number of individuals in the study sample that fall into the above categories.

2. The projected number of individuals in each population annually is multiplied by the average number of days from arrest date to bill date for that group to determine the number of annual "jail days" for each population. For "701 releases", the time between arrest date and release date was used to determine "jail days".

3. The number of "jail days" is multiplied by $19.65, the daily cost of incarceration, to determine the total annual cost of incarceration for each population.

Exhibit 15:
Pretrial Detention Costs Associated With Selected Populations of Defendants

Population	Projected # of Defendants	Average # Days to Billing/701 release	Annual Incarceration Cost @ $19.65/day*
"DOC's"	1509	37	$1,097,000
"701 Releases"	503	64	$633,000
"Refusals"	1006	34	$672,000
Annual Incarceration Cost			**$2,402,000**

Source: MCC research
*Rounded to nearest $1,000

The total projected annual cost of incarceration for these three populations during the study period was $2,402,000 million.

Exhibit 16 on the following page shows the projected reduction in incarceration costs based on reducing the screening period from arrest to bill date for these populations to 15 days, the combined time period for existing NOPD (five days to complete reports) and DA's Office policy (10 days to make a screening decision). Adhering to current NOPD and DA's Office time standards would save the city of New Orleans over $1.5 million annually.

Exhibit 16:
Reduced Pretrial Incarceration Costs Associated With Selected Populations

Population	Projected # of Defendants	Average # Days Billing/701 release	Annual Incarceration Costs @ $19.65/day
"DOC's"	1509	15	$445,000
"701 Releases"	503	15	$148,000
"Refusals"	1006	15	$297,000
Annual Incarceration Cost			$890,000
Projected Annual Reduction in Cost			**$1,512,000**

Source: MCC research

IV. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

A lack of coordination and communication between the NOPD and the DA's Office, coupled with inadequate management practices on the part of both agencies, contribute to a lengthy and inefficient pretrial process in New Orleans that leads to a low conviction rate, particularly for the most serious violent and property crimes, and inflated pretrial incarceration costs. There are factors beyond the control of either agency, however, that lengthen the pretrial period, most notably victim/witness problems.

New Orleans not only has a low rate of conviction compared with other large jurisdictions, but the offenses for which these individuals are convicted are of a less serious nature: homicide, rape, robbery, and assault charges combined made up only 10 percent of all convictions in CDC, while drug possession charges made up 53 percent of all convictions. First offense possession of marijuana charges alone accounted for 26 percent of all convictions. Because of the low overall conviction rate, and because only 20 percent of the individuals convicted on drug possession charges are actually sentenced to jail or prison, the New Orleans criminal justice process has many of the characteristics of the classic "revolving door" system: only 12 percent of those arrested each year on state charges will be sentenced to jail or prison, and 88 percent will soon be back on the street

It was not within the scope of this study to reach conclusions regarding the optimal number of police officers and ADA's needed in New Orleans. The MCC does conclude, however, that the current personnel to workload ratios for the NOPD and the DA's Office are not unlike other urban jurisdictions, and that the number of police officers and ADA's does not explain the relatively poor case processing performance.

The NOPD and the DA's Office share the mutual goals of creating a safer city and a better quality of life for the citizens of New Orleans. Yet the level of collaboration between these two organizations, collaboration that could greatly increase system efficiency, is very limited. They function more as separate systems, and less as parts of an integrated whole, in which a synergy can be generated through combined resources, ideas, and a commitment to excellence. "Turf" issues continue to severely limit the true potential of the New Orleans criminal justice system. The lack of collaboration and communication is demonstrated in a number of ways.

The communication between NOPD and DA personnel around moving cases from the point of arrest to a billing decision is essentially limited to their interaction during the receipting visit. The attitude clearly expressed by a majority of A-case officers is that once receipted the case is "the DA's problem" and they are done with it. While the primary responsibility for the case shifts to the DA's Office at this point, the NOPD should be willing to provide additional assistance, should it be necessary, to increase the possibility of prosecution and conviction.

Problems with the arrest to screening process have not gone unrecognized, but due to the inability of system components to work in a truly collaborative manner, substantive changes have been few. The NOPD and the DA's Office implemented an expedited drug case screening program in which arresting officers and ADA's would confer on cases early in the process at Central Lockup immediately following booking. After a few months, however, this promising effort was abandoned amid allegations from both parties that the other party was unwilling to cooperate, and the system returned to the status quo.

Efforts to increase efficiency through technological improvements have achieved very limited results over a five-year period. The Criminal Justice Information System Committee convened by the DA's Office in the mid-1990's, and later led by a CDC Judge, included representatives from state and local agencies area-wide. One of the objectives of the committee was to streamline the arrest to screening process by providing for the electronic transfer of arrest reports from the NOPD to the DA's Office. In fact, the wiring was installed several years ago to support this endeavor but the project was never completed. The level of cooperation and communication required to resolve information security issues and other system protocols were simply too difficult to overcome.

The timely completion of arrest reports by the NOPD for presentation to the DA's Office is hampered by often poorly written or incomplete reports, inadequate management and use of information, a lack of standardized procedures and inconsistent management practices throughout the districts, and a lack of training for A-case officers. In addition, these inefficiencies contribute to the low acceptance and conviction rates in New Orleans.

A-case officers, on presenting completed reports for presentation, confront an often difficult process. Problems related to SAF's, including not knowing in advance if the form is even on file, the narrow two-hour window in which to present cases, and the reality that an ADA may simply be unavailable that day, make for a process that is not very "user friendly".

That these types of problems have persisted reflects a lack of recognition of the magnitude of their drain on the efficiency of the criminal justice system, and the low priority that is assigned to improving the process.

The MCC believes that achieving a substantial reduction in the time period between arrest and the billing decision can be accomplished without increased funding, but through improved management practices and enhanced collaboration among key agencies that can be facilitated by the leadership of the new city administration. The benefits of a higher level of efficiency in the pretrial process are annual reductions of over $1.5 million in the city's incarceration costs, and a better return on the city's $107 million investment in the NOPD and DA's Office budgets in the form of higher rates of conviction, particularly for violent crimes such as homicide, rape/sex offenses, robbery, and assault.

Recommendations

The election of a new mayor and the selection of a new police chief offer a tremendous opportunity for implementing fundamental changes in the New Orleans criminal justice system.

The MCC's research presented in this report documents the nature and extent of many of the issues related to pretrial processing and can serve as a framework and a source of information to guide efforts to raise the level of system efficiency. The economic and "quality of life" benefits that will accrue to the citizens of New Orleans from bringing greater efficiency to this process are substantial.

The MCC respectfully recommends that the New Orleans Police Department, the DA's Office, and the OPCSO establish a working collaborative with the goal of streamlining the arrest to screening process. A spirit of collaboration and open communication among these key agencies must first be established to ensure a successful reform effort.

The MCC believes that the goal of bringing modern information technology to the criminal justice system in general and to the pretrial process in particular, can serve as the unifying theme

for this reform effort. Improved technology is the long-term answer for increasing the overall efficiency of the pretrial process. The successful integration of new technology, particularly when it involves turf-conscious criminal justice agencies, requires strong leadership and a high level of collaboration.
In addition, other priority needs that should be addressed by the criminal justice collaborative include:

- **The implementation of a more formal system of regular feedback by ADA's to arresting officers regarding reasons for the refusal of charges.**
- **The establishment of regular meetings between supervisory personnel in the NOPD, DA's Office, and OPCSO to identify, discuss, and resolve policy and procedural issues.**
- **The provision of regular training in the preparation of arrest reports by the DA's Office for new NOPD personnel and those officers requiring additional assistance.**

The collaboration and coordination developed through this process can then be utilized to implement the specific recommendations listed below.

1. The present process by which arrest reports are processed at the NOPD district level and are "receipted" by the DA's Office should be replaced with a more efficient system based on modern information technology. While the MCC recognizes that this will not be accomplished overnight, reinventing the case screening process must be given a high priority as part of any effort to increase the efficiency and effectiveness of the New Orleans criminal justice system.

<u>In the longer term</u>

- Enable the computer-generation of arrest reports by arresting officers and the electronic transfer of these reports to the DA's Office for screening. This would eliminate much of the current screening process and return 16 trained police officers to enforcement duties.

<u>In the interim</u>

- Replace the current manual process for generating "screening action forms" (SAF) with a "real time" electronic system whereby arrest registers are transmitted as digital files from the OPCSO to the DA's Office and are then converted into a SAF documents.

- Either by telephone, FAX or e-mail, the DA's Office should notify district A-case officers when SAF's are ready and eliminate wasted trips to the DA's Office.

- Better organize the daily management of SAF's to reduce the frequency of lost forms and speed distribution of the forms to A-case officers.

2. The quality and timeliness of the arrest reports completed by the arresting officers of the NOPD should be improved through enhanced training, .

- The DA's Office should reestablish and enhance its program for providing training to police officers in the writing of arrest reports to improve charge acceptance and conviction rates.
- The NOPD should approach each arrest with the goal of providing the type of information to the DA's Office that can support a successful prosecution.
- As part of the COMSTAT process, track the success of all arrests by acceptance and conviction outcomes.

3. A major shortcoming in the current system is the paucity of useful information available on the movement of cases from arrest to the receipting decision in the eight police districts. Providing NOPD management personnel with easy access to information that keeps them informed regarding the processing of arrest reports, by district, and points out problem areas is fundamental to overhauling the current system. The MCC makes these recommendations in that regard.

- Network the computers used by A-case officers in all police districts and create a central database of information that tracks the status of arrest reports individually and in aggregate.

- The database software used in each district should be standardized.

- Police districts should capture the same data by using a standardized data collection form installed on each district computer.

- The system should provide management reports containing information on time intervals between important processing events, including date of arrest, report completion date, date report received by A-case officer, receipting date, and screening decisions.

- The data maintained by district A-case officers should include information on the frequency and nature of those cases that are not receipted and are returned to the arresting officer for further work.

- Districts should track the acceptance, refusal, and conviction rates for all arrests and use this information for training and management purposes.

These recommendations are not technologically difficult ones and can be implemented at little expense using either a dial-up system or the Internet to transmit data from each district to a central database for analysis. The city now has personnel in its employ with the expertise to put a basic but highly useful information system in place in short order.

4. The DA's Office has a computer system in place that can provide useful management information on case screening activity. The MCC recommends that the DA's Office use this information to improve system performance by:

- Tracking the time from arrest date to receipt date and from receipt date to billing date by individual ADA's in the Screening Division.
- Holding Screening Division personnel responsible for meeting current case screening time standards.
- Providing NOPD District Commanders in a timely manner with reasons for all refused cases.

5. Both the NOPD and The DA's Office should publish management reports at least on a quarterly basis on the movement of cases from the time of arrest to the billing decision.

6. Establish a system for ensuring that individuals arrested are accurately booked by OPCSO booking personnel on all charges made at the time of arrest.

7. MCC 's research found a wide disparity in performance among the eight police districts in moving arrest reports from date of arrest to date the of receipting of the cases by the DA's Office, ranging from 20 days to 62 days. This disparity is due in large part to the ad hoc procedures and time standards for processing arrest reports adopted within each district. In addition, the commanders, supervisors, and A-case officers in some districts are simply more lax than those in others in monitoring and enforcing the timely processing of arrest reports. The MCC recommends that the NOPD:

- Adopt standardized policies and procedures to be followed by arresting officers and A-case officers in each district that ensure reports are ready for presentation to the DA's Office within the existing NOPD standard, which is five days from the arrest date.

- Emphasize a proactive role for all A-case officers in resolving problem reports, and immediate follow through by arresting officers in assisting A-case officers.

- Establish a formal training program for A-case officers based on these standardized procedures. At present, there is no formal training program for A-case officers.

- Clearly define an active and informed role for district commanders and supervisors in overseeing the preparation of arrest reports for screening.

- Establish a system for monitoring adherence to these policies. The information system included in these recommendations could serve this function.

- Hold district commanders responsible for enforcing these practices.

- Ensure that arresting officers obtain handwriting exemplars, when they are required, prior to booking.

- Improve the operating efficiency of the NOPD records room through better management and upgraded equipment. A-case officers report delays of a week in obtaining required supporting documents for arrest reports.

- Increase manpower in the Fingerprint Division. All A-case officers report that obtaining latent fingerprint comparisons (burglaries, auto thefts, etc.), which are required by the DA's Office before screening a case, can take several weeks to obtain. Only three staff serve the eight police districts.

8. The current policy of the DA's Office is to make billing decision within 10 days of receipt of the case. As noted, the actual average time is 19 days, and 60% of billing decisions are made within 10 days. The MCC offers these recommendations for making a more "user friendly" process and reducing the unnecessarily long screening period.

- Implement a more formal system of regular feedback by ADA's to arresting officers regarding their reasons for the refusal of charges.

- ADA's should begin the process of screening cases immediately following arrest and booking. This approach would significantly reduce overall screening time through earlier screening decisions. Currently, initial contact between A-case officers and ADA's regarding a case often will not occur for five days or more following arrest.

- Assign ADA's to service specific police districts thus providing for a single point of contact for both parties, better continuity in handling cases, and consistent screening criteria. One ADA could be assigned both of the smaller districts, the 3rd and 4th districts.

- Increase the two-hour daily screening window to at least four hours and allow ADA's and A-case officers flexibility in determining the time and duration of the screening periods.

- Allow A-case officers to leave copies of police reports with ADA's for screening action. This would in effect increase the overall amount of time devoted to screening cases.

- Discontinue the policy of not screening a case from one district involving a suspect with an open, un-receipted charge in another district. A-case officers report that this requirement results in many "701" cases.

- Using information already available to the DA's Office, hold individual ADA screeners accountable for the time required to reach billing decisions.

- Provide regular training in the preparation of arrest reports for new NOPD personnel and those officers requiring additional assistance.

Performance Goals

Research results in this report provide baseline information marking the system's current level of performance. With baseline information in place, performance goals can be adopted and used as benchmarks to encourage and by which to measure improvements in system efficiency. The MCC believes that the implementation of the recommendations made in this report will enable and encourage the justice system agencies in New Orleans to strive to meet the goals presented below.

In the absence of national standards of this type, based on current local policies and the performance of other jurisdictions, the MCC recommends the following goals for the New Orleans criminal justice system.

Pretrial Case Processing Time

By January 1, 2004 reduce the time period from date of arrest to date of billing decision to 25 days.

NOPD: arrest to receipt date	10 days
DA's Office: receipt date to bill date	15 days
	25 days*

*The average processing time for the "moderately fast" courts in the NCSC/APRI study

By January 1, 2005 reduce the time period from date of arrest to date of billing decision to 15 days:

NOPD: arrest to receipt date	5 days
DA's Office: receipt date to bill date	10 days
	15 days*

*The average processing time under current NOPD and DA policies

Charge Acceptance and Conviction Rates

As information presented in the report show, the conviction rate for individuals charged with felony offenses in New Orleans is low in comparison with some other large jurisdictions. The

conviction rate is an important measure of a jurisdiction's overall operating efficiency and is strongly related to the quality of the arrests and subsequent arrest reports, case processing time, and to the charge acceptance rate.

As noted, no national standards exist regarding the rate of acceptance and conviction in criminal cases. The goals presented below reflect outcomes attained by other state courts. The MCC offers these performance goals for the purpose of promoting the increased efficiency and effectiveness of the New Orleans criminal justice system.

- By January 1, 2004 increase the percentage of those individuals arrested on state charges who are billed/prosecuted from 49% to 65%.

- By January 1, 2004 increase the conviction rate from 38% of individuals arrested on state charges to 50%.

- By January 1, 2005 increase the percentage of those individuals arrested on state charges who are billed/prosecuted to 75%.

- By January 1, 2005 increase the conviction rate for individuals arrested on state charges to 60%.