



METROPOLITAN CRIME COMMISSION, INC.

Orleans Parish Criminal Justice System Accountability Report

January 2007 – June 2008

This is the Metropolitan Crime Commission's fourth report tracking basic measures of criminal justice system performance since the beginning of 2007. Examining arrests, cases accepted for prosecution, and closed felony cases provides an indication of the performance of the New Orleans Police Department (NOPD) and the Orleans Parish District Attorney's (DA's) Office. Tracking these measures over time shows transitions in how the criminal justice system applies its resources. Overall results are mixed as there have been positive trends in criminal justice system performance while other areas indicate the need for additional changes:

Criminal Justice System Improvements

- **NOPD:** Compared to the first half of 2007, there were 9% fewer arrests in the first half of 2008.
- **DA's Office:** The number of state cases accepted for prosecution rose 22% from the first half of 2007 to the first half of 2008, including a 52% increase in new felony cases.

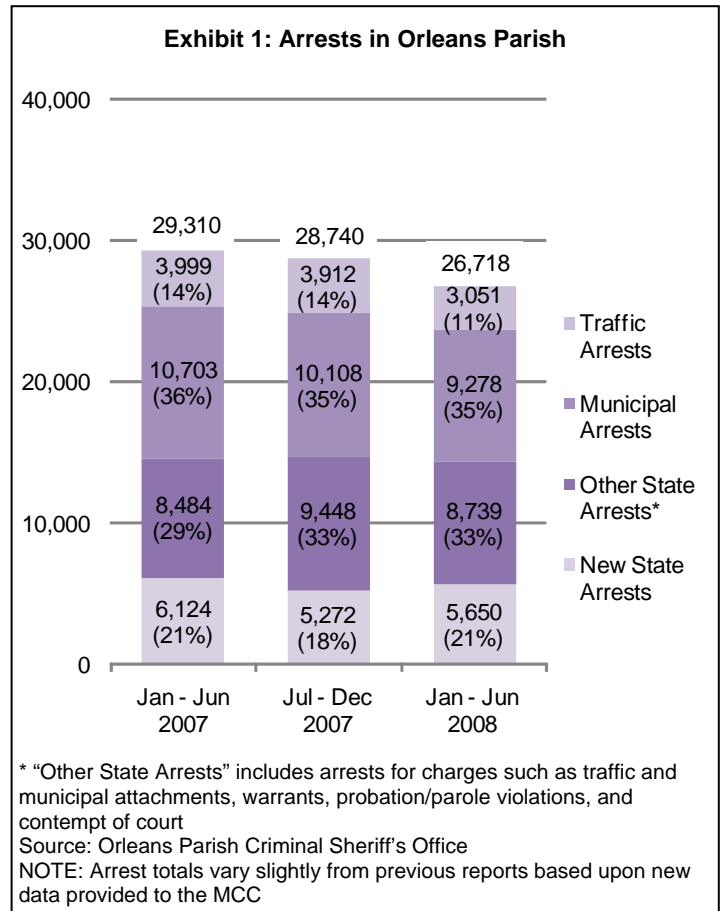
Other Criminal Justice System Performance Indicators

- **NOPD:** Approximately half (46%) of all arrests continue to be for minor municipal and traffic offenses.
- **DA's Office:** Dismissals account for a third (33%) of all felony cases that closed from January 2007 through June 2008.

Arrests in Orleans Parish

The number of arrests in Orleans Parish has slightly declined from the beginning of 2007 through the first half of 2008, and there was a small decrease in arrests for minor offenses:

- **Total arrests reduced 9% in the first half of 2008**, from 29,310 in the first half of 2007 to 26,718 in the first half of 2008. Fifty-five percent (55%) of all defendants arrested in New Orleans were released from jail in a day or less, and 67% were released within two days.
- **Almost half of all arrests continue to be for traffic and municipal offenses**, but the arrest rate for traffic and municipal offenses decreased slightly from 49% of all arrests in 2007 to 46% in the first half of 2008. Since the beginning of 2007, 70% (28,765 of 40,999) of those arrested for municipal and traffic offenses were released from jail in a day or less, and 80% (32,958 of 40,999) were released in two days or less.
- New state offenses accounted for 21% of all arrests in the first half of 2008, which is similar to the arrest rate for new state offenses throughout 2007. Twenty percent (20% or 3,392 of 17,046) of those arrested for new state offenses were released from jail in a day or less.
- "Other State Arrests" are usually for out of parish attachments or warrants for charges ranging from unpaid traffic citations to state felony offenses. In total, there were 26,723 "other state arrests" from January 2007 through June 2008. For 11,585 (43%) of these arrests, the jurisdiction issuing the attachment gave defendants a new court date and ordered their release rather than pick them up from Orleans Parish Prison. An 81% majority (9,391 of 11,585) of those released with a new court date spent a day or less in jail, and 91% (10,533 of 11,585) were in jail for two days or less.

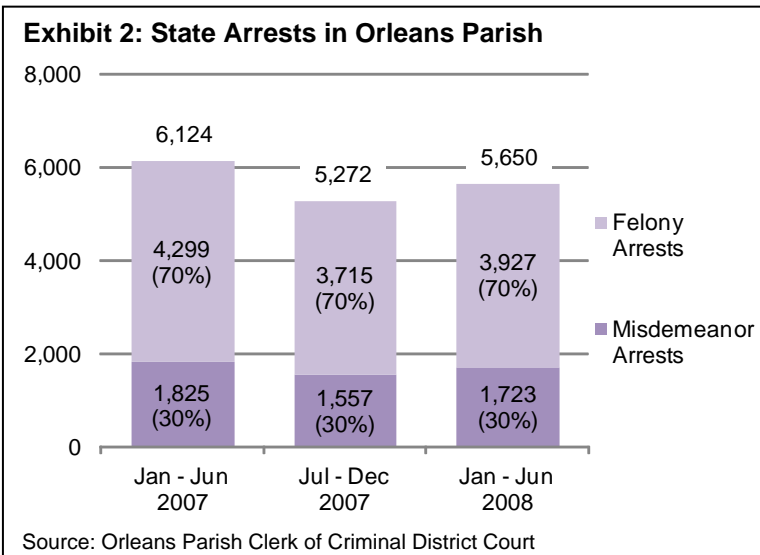


Recent legislation passed by the New Orleans City Council and the Louisiana State Legislature allows police to issue a summons rather than arrest most individuals with outstanding traffic, municipal, and misdemeanor warrants. Traffic, municipal, and misdemeanor violations are the lowest level offenses handled by the criminal justice system, and most individuals arrested for these offenses spend a day or less in jail. **While there has been a decrease in arrests for municipal and traffic offenses, arrests for minor offenses that usually result in little or no time in jail continue to comprise a majority of arrests in Orleans Parish.**

Arrests for New State Offenses

From a public safety perspective, state arrests are the most significant offenses handled by the local criminal justice system. New state offenses comprise many different types of crimes ranging from misdemeanor charges, such as drug possession or petty theft, to violent felony crimes such as murder, rape, or armed robbery. Arrests for new state offenses are usually the most serious crimes handled by the local criminal justice system, and felony arrests, especially violent felony arrests, present the criminal justice system with its greatest opportunity to remove predatory criminals from the community through incarceration. Exhibit 2 tracks fluctuations in state arrests over an 18-month period beginning in January 2007.

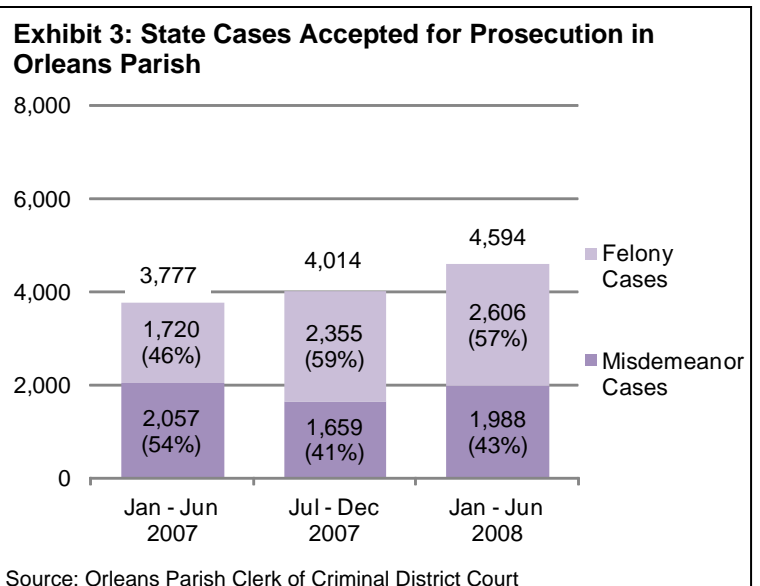
- The number of new state arrests has fluctuated since the beginning of 2007. The highest number of state arrests, 6,124, was in the first half of 2007, which fell to 5,272 in the second half of 2007 and then rose to 5,650 in the first half of 2008.
- **Felony arrests made up 14% of all arrests in Orleans Parish from January 2007 through June 2008.** However, when looking only at state arrests, 70% are for felony offenses.
- **Arrests for violent felony offenses have generally been consistent since the beginning of 2007.** Arrests for violent felonies accounted for 10% (1,194 of 11,396) of state arrests in 2007, which changed to 11% (637 of 5,650) of state arrests in the first half of 2008.
- **More than half of all new state arrests are for drug offenses.** In 2007, 55% (6,278 of 11,396) of new state arrests were for drug offenses, which fell slightly in the first half of 2008 when 53% (2,984 of 5,650) of new state arrests were for either misdemeanor (25%) or felony (28%) drug offenses.



State Cases Accepted for Prosecution

For each new state arrest, police document evidence against a defendant and prepare a written report that is submitted to the DA's Office. The DA's Office then reviews the police report and decides whether or not there is enough evidence to accept criminal charges against a defendant. Charges are accepted for prosecution when the DA's Office determines there is enough evidence to obtain a conviction. When the DA's Office does not have sufficient evidence to warrant a conviction, the case is refused prosecution. Defendants with refused cases have no further criminal proceedings against them. Exhibit 3 presents the total number of accepted cases from January 2007 through June 2008.

- **The number of new state cases accepted for prosecution has steadily increased since the beginning of 2007** – from 3,777 in the first half of 2007 to 4,014 in the second half of 2007 and then to 4,594 in the first half of 2008, a 22% increase.
- **The number of new felony cases accepted for prosecution has steadily risen, resulting in an overall 52% increase** in accepted felony cases from 1,720 in the first half of 2007 to 2,606 in the first half of 2008.
- **Accepted violent felony cases consistently accounted for 7% of all new cases since the beginning of 2007.** Violent felony offenses accounted for 7% (525 of 7,791) accepted cases in 2007, and 7% of accepted cases (319 of 4,594) were for violent felony offenses in the first half of 2008.
- **Since the beginning of 2007, 66% of all accepted state cases were for drug offenses.** In the first half of 2008, drug cases made up 71% (3,271 of 4,594) of newly accepted state cases. Comparatively, 64% (5,020 of 7,791) of all new cases were for drug offenses in all of 2007.



Closed Felony Cases

The prosecution of an accepted case ends when it closes through a guilty plea, a trial verdict (of guilty or not guilty), or dismissal. A dismissal occurs when the DA's Office drops charges against a defendant. Exhibit 4 presents the number of closed cases and the manner in which they closed.

- **The number of felony cases that closed in the first half of 2008 decreased 12% from the second half of 2007.** After a 41% increase in closed cases, from 1,346 in the first half of 2007 to 1,904 in the second half of 2007, the number of closed felony cases declined to 1,677 in the first half of 2008. As a result, the inventory of open felony cases in Criminal District Court increased from 2,252 at the end of 2007 to 2,442 at the end of June 2008.
- **Felony convictions declined 13% in the first half of 2008.** The number of convictions substantially increased 80% from 722 in the first half of 2007 to 1,297 in the second half of 2007, but this trend did not carry forward into the first half of 2008 when convictions decreased slightly to 1,128.
- **Dismissals make up a third (33%) of the cases that have closed since the beginning of 2007,** including 29% of closed cases in the first half of 2008. This greatly exceeds the 18% felony case dismissal rate the MCC documented in 2003-2004.¹
- From January 2007 through June 2008, 71% (1,145 of 1,623) of dismissals were in cases accepted after Hurricane Katrina. The median time that it took for felony cases to close via dismissal in the first half of 2008 was 24 weeks, compared to a median time of 20 weeks for cases to close through a trial or guilty plea.

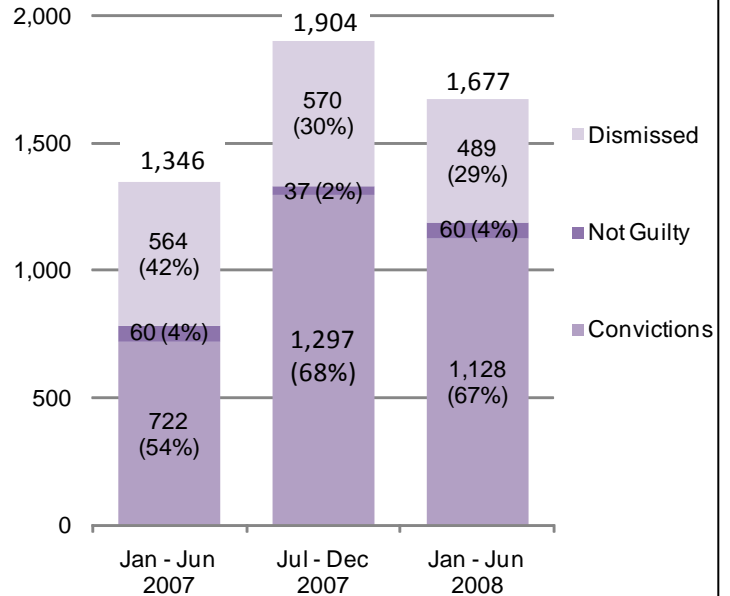
While there were fewer felony convictions in the first half of 2008 compared to the second half of 2007, there was little change in the types of cases that closed in Orleans Criminal District Court. As a result, the number of convictions for most categories of crime fell in the first half of 2008 (see Exhibit 5).

- **Violent felony convictions made up a 10% minority of all convictions from January 2007 through June 2008.** The total number of violent felony convictions went down from 116 in the second half of 2007 to 104 in the first half of 2008.
- **Sixty-two percent (62%) of felony convictions were for drug offenses from January 2007 through June 2008.** Drug crimes accounted for 61% of felony convictions in 2007 and 63% in the first half of 2008. A 2004 study of felony convictions found that 34% of felony convictions nationwide were for drug offenses.²
- The percent of convictions for property, weapons, and other felonies has been consistent from January 2007 through June 2008.

¹ Source: Data compiled for "Performance of the New Orleans Criminal Justice System 2003-2004" Metropolitan Crime Commission, August 2005

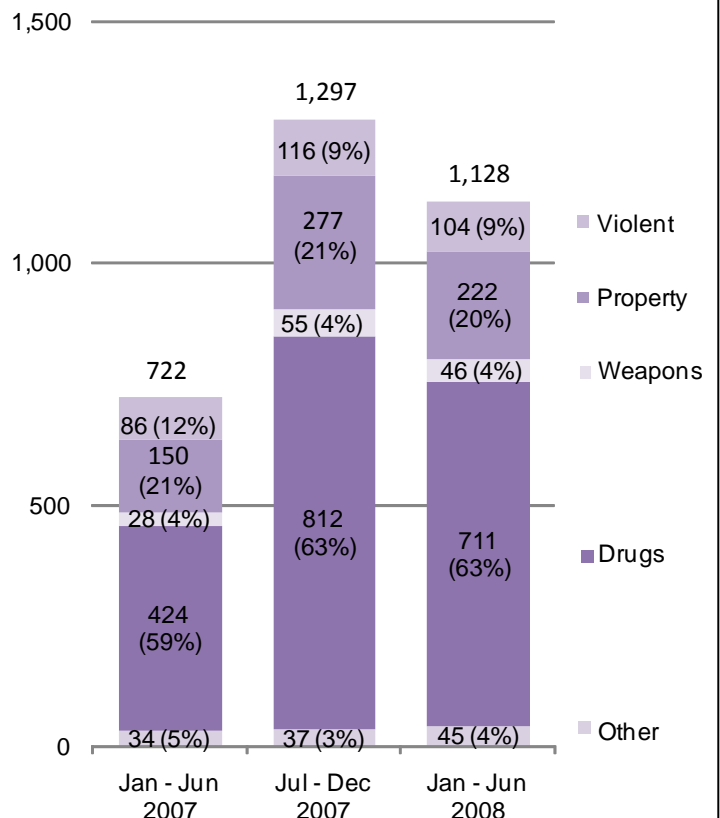
² "Felony Sentences in State Courts, 2004" Bureau of Justice Statistics, July 2007 (page 2)

EXHIBIT 4: Closed Felony Cases – January 2007 – June 2008*



Source: Orleans Parish District Attorney's Office; Orleans Parish Criminal District Court, Orleans Parish Criminal Sheriff's Office
* Estimated error rate of up to 5%

EXHIBIT 5: Felony Convictions – January 2007 – June 2008



Source: Orleans Parish District Attorney's Office; Orleans Parish Criminal District Court, Orleans Parish Criminal Sheriff's Office
* Estimated error rate of up to 5%

CONCLUSIONS

The MCC has been tracking the recovery of criminal justice system using basic performance measures since the beginning of 2007. The most significant performance shifts to date are decreases in arrests coupled with increases in felony cases accepted for state prosecution. While these transitions demonstrate progress, there remains a critical need to better focus limited criminal justice system resources on violent and repeat offenders.

1. The MCC respectfully reiterates our recommendation that the New Orleans Police Department increase the use of summonses and citations in lieu of arresting minor nonviolent offenders. In April of 2008 the New Orleans City Council passed resolutions encouraging police to exercise discretion in lieu of arresting individuals for nonviolent municipal offenses and outstanding Orleans Parish traffic citations. In June of 2008, the Louisiana Legislature changed state law to allow officers to issue a summons rather than arrest many individuals with out of parish misdemeanor and traffic warrants.

Since January of 2007, there have been 40,999 arrests for Orleans Parish traffic and municipal offenses, and 28,765 or 70% of these individuals spent a day or less in jail. Arrests for "other state offenses", many of which are out of parish traffic or misdemeanor warrants, account for 26,723 arrests since the beginning of 2007, and 11,585 of these individuals were released because the jurisdiction issuing the warrant did not feel it was a justifiable use of their resources to retrieve these arrestees from Orleans Parish Prison. Therefore, at least 40,350 of all 84,768 arrests (48%) from January 2007 through June 2008 fall into the category of arrests for minor misdemeanor, municipal, and traffic offenses. Police can save thousands of man hours and continue to enforce traffic and municipal offenses by issuing summonses rather than arresting these offenders that spend little or no time in jail.

Crime statistics recently released by the NOPD indicate that there were 1,606 crimes of violence in the first half of 2008, which is a slight (2%) decrease from the 1,634 violent crimes reported in the first half of 2007. Property crimes also showed a nominal decrease of less than 1% from 9,300 in the first half of 2007 to 9,247 in the first half of 2008. Comparing arrest statistics from the first half of 2007 to the first half of 2008 shows 2,592 fewer arrests with the largest decrease in arrests associated with municipal and traffic offenses. The 2,592 fewer arrests do not appear to have resulted in a reciprocal increase in criminal activity reported in NOPD crime statistics.

Many misdemeanor, traffic, and municipal arrests are for nonviolent offenses that play an important role in providing for community safety. However, the New Orleans City Council and Louisiana State Legislature provided legislative discretion to police allowing them to curtail the high volume of arrests for minor offenses. In keeping with policies of many neighboring

law enforcement agencies, the MCC encourages the NOPD to utilize this legislation to reduce arrests for minor offenses in order to dedicate limited criminal justice system resources to serious offenses such as crimes of violence.

2. The MCC respectfully recommends that the Orleans Parish District Attorney's Office review screening policies and take corrective action to reduce the unacceptably high dismissal rate. Dismissals squander criminal justice system resources and the time of victims, witnesses, and defendants. In total, a third (33%) of all cases that closed since the beginning of 2007 were dismissed, which is significantly higher than the 18% felony case dismissal rate prior to Hurricane Katrina. The screening personnel of the DA's Office determined that these cases had sufficient evidence to proceed with a prosecution, but these cases were subsequently found to lack justification to move forward.

From January through June 2008, the median case processing time for a dismissed case was 24 weeks, four weeks longer than the 20 weeks it took for cases to close through a plea or a trial. Dismissed cases take longer to close than other cases which increases the waste of criminal justice system resources associated with these cases.

There are numerous reasons that a case may be dismissed. One of the most common causes of dismissals is problems with cases' evidence such as when a witness ceases to cooperate or when evidence storage facilities were flooded due to Hurricane Katrina. However, 70% of dismissed cases since the beginning of 2007 were accepted after the storm. The high dismissal rate for post-Katrina cases indicates a significant shift in policy which is adversely impacting every component of the criminal justice system.

The increased number of dismissals is likely the result of flawed screening practices within the DA's Office. **There are too many nonviable cases clogging the criminal justice system and wasting finite system resources.** As with curtailing arrests for minor offenses, reducing dismissals can improve criminal justice system efficiency and better focus system resources upon the violent and repeat offenders that pose the greatest threat to community safety.

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The first half of 2008 saw 26,718 total arrests but 104 violent felony convictions. While this report documents several areas of improvement, there is a continuing need for the criminal justice system to better focus its resources directly upon the greatest threat to community safety – felony crimes of violence. Reducing the number of minor arrests as new cases enter the system and reducing dismissals by refusing non-viable criminal cases before they advance in the criminal justice process are two measures that can enable the criminal justice system to better utilize its limited resources.

Acknowledgements

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